

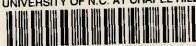
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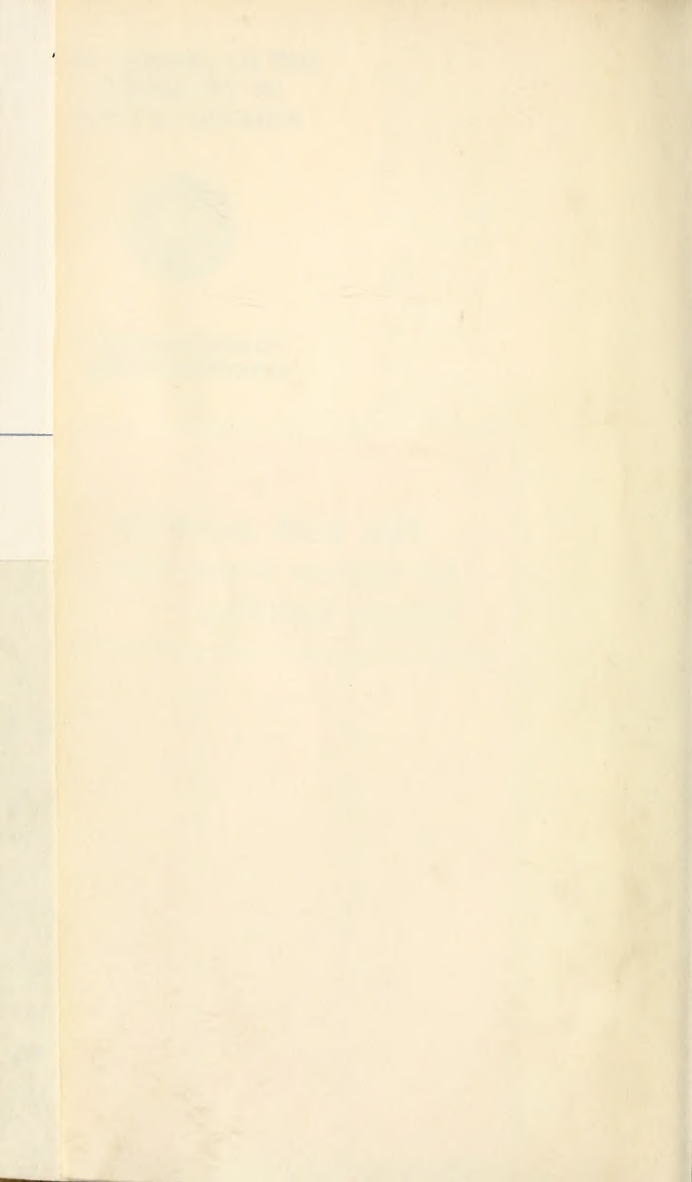
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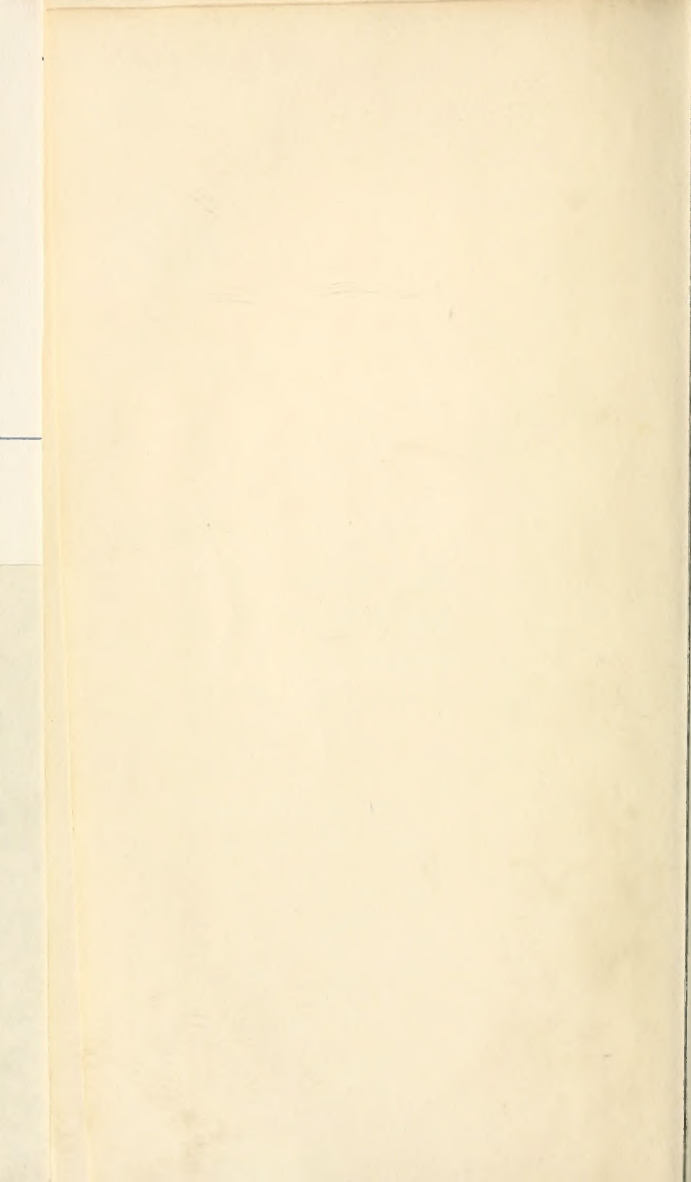
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JOURNALS

OF THE

Senate and House of Commons

OF THE

GENERAL ASSEMBLY

OF

THE STATE OF NORTH CAROLINA,

At its Session in 1840-41.

RALEIGH:

PRINTED BY THOS. J. LEMAY, OFFICE OF THE RALEIGH STAR.

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JOURNAL OF THE SENATE.

AT a General Assembly, begun and held in the City of Raleigh, on the sixteenth day of November, in the year of our Lord 1840, and in the sixty-fifth year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, viz:—

From the 1st DISTRICT,	{	Pasquotank and	}	Wm. B. Shepard.
	{	Perquimons,	}	
" 2nd do	{	Camden and	}	Caleb Etheridge.
	{	Currituck,	}	
" 3d do	{	Gates and	}	Rufus K. Speed.
	{	Chowan,	}	
" 4th do	{	Washington and	}	H. G. Spruill.
	{	Tyrrel,	}	
" 5th do		Northampton—Herod Faison.		
" 6th do		Hertford—B. T. Spiers.		
" 7th do		Bertie—Lewis Bond.		
" 8th do		Martin—Jesse Cooper.		
" 9th do		Halifax—Andrew Joyner.		
" 10th do		Nash—Samuel L. Arrington.		
" 11th do		Wake—Samuel Whitaker.		
" 12th do		Franklin—John D. Hawkins.		
" 13th do		Johnston—Josiah Houlder.		
" 14th do		Warren—Weldon N. Edwards.		
" 15th do		Edgecomb—Louis D. Wilson.		
" 16th do		Wayne—John Exum.		
" 17th do	{	Greene and	}	James B. Whitfield.
	{	Lenoir,	}	
" 18th do		Pitt—Alfred Moye.		
" 19th do	{	Beaufort and	}	William Selby.
	{	Hyde,	}	

"	20th	do	{ Carteret and } Isaac Hellen.
"	21st	do	do Jones, }
"	22d	do	Craven—Thomas J. Pasteur.
"	23d	do	Chatham—William Albright.
"	24th	do	Granville—William A. Johnson.
"	25th	do	Person—John W. Williams.
"	26th	do	Cumberland—Archibald McDiarmid.
"	27th	do	Sampson—Dickson Sloan.
"	28th	do	New Hanover—Wm. S. Larkins.
"	29th	do	Duplin —————
"	30th	do	Ouslow—John B. Pollock.
"	31st	do	{ Brunswick, Bladen } Robert Melvin.
"	32d	do	and Columbus, }
"	33d	do	{ Robeson and } Alfred Dockery.
"	34th	do	Richmond, }
"	35th	do	Anson—A. Myers.
"	36th	do	Cabarrus—Christopher Melchor.
"	37th	do	{ Moore and } John H. Montgomery.
"	38th	do	Montgomery, }
"	39th	do	Caswell—James Kerr.
"	40th	do	Rockingham—David S. Reid.
"	41st	do	Orange—Willie P. Mangum.
"	42d	do	Randolph—Jonathan Worth.
"	43d	do	Guilford—James T. Morehead.
"	44th	do	Stokes—Matthew R. Moore.
"	45th	do	Rowan—Samuel Ribelin.
"	46th	do	Davidson—Alfred Hargrave.
"	47th	do	Surry—R. C. Puryear.
"	48th	do	Wilkes and Ashe—A. Mitchell.
"	49th	do	Burke and Yancey—B. S. Gaither.
"	50th	do	Lincoln—Thomas Ward.
"			Iredell—R. H. Parks.
"			Rutherford—John G. Bynum.
"			{ Buncombe, Hay- } T. L. Clingman.
"			wood and Macon, }
"			Mecklenburg—J. T. J. Orr.

A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Dockery, Col. Andrew Joyner, the Senator from the county of Halifax, was nominated for Speaker. The Senate then voted as follows, to wit:

FOR MR. JOYNER,

MESSRS. Faison,
Bond,

MESSRS. Myers,
Spruill,

Shepard,
Speed,
Spiers,
Mangum,
Worth,
Moye,
Hellen,
Johnson,
Selby,
Melchor,
Albright,
Montgomery,

Dockery,
Morehead,
Moore,
Purveyar,
Mitchell,
Hargrave,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum—27.

FOR MR. WILSON,

MESSRS. Exum,
Whitaker,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Arrington,
Kerr,
McDiarmid,
Houlder,

MESSRS. Larkins,
Sloan,
Pollock,
Reid,
Williams,
Melvin,
Pasteur,
Orr,
Ward,
Edwards—20.

Mr. Wilson voting for Mr. Edwards.

Col. Andrew Joyner having received a majority of the whole number of votes given, was declared duly elected; when, on motion of Mr. Spruill, he was conducted to the Chair by Messrs. Wilson and Dockery, and made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Morehead, Thomas G. Stone, of Franklin, was nominated for Principal Clerk. The Senate then proceeded to vote as follows, to wit:

FOR MR. STONE,

MESSRS. Faison,
Exum,
Edwards,
Whitaker,
Hawkins,

MESSRS. Mitchell,
Orr,
Hargrave,
Ward,
Clingman,

Cooper,
Etheridge,
Whitfield,
Bond,
Shepard,
Joyner,
Arrington
Speed,
Spiers,
Mangum
Kerr,
McDiarmid,
Worth,
Spruill,
Dockery,
Melvin,
Morehead,
Pasteur,
Moore,
Puryear,

Parks,
Ribelin,
Gaither,
Bynum,
Hellen,
Houlder,
Moye,
Wilson,
Larkins,
Johnson,
Sloan,
Selby,
Pollock,
Reid,
Melchor,
Albright,
Montgomery,
Williams,
Myers—49.

Thomas G. Stone having received the whole number of votes given, was duly elected. Whereupon, on motion of Mr. Spruill, Henry W. Miller was nominated for Clerk Assistant. The Senate then proceeded to vote, as follows:

FOR MR. MILLER,

MESSRS. Speaker,
Faison,
Exum,
Edwards,
Whitaker,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Bond,
Shepard,
Arrington,
Speed,
Spiers,
Mangum,
Kerr,
McDiarmid,

MESSRS. Puryear,
Mitchell,
Orr,
Hargrave,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum,
Hellen,
Houlder,
Moye,
Wilson,
Larkins,
Johnson,
Sloan,
Selby,

Worth,
Spruill,
Dockery,
Melvin,
Morehead,
Pasteur,
Moore,

Pollock,
Reid,
Melchor,
Albright,
Montgomery,
Williams,
Myers—49.

Mr. Miller having received the whole number of votes given, was duly elected.

On motion of Mr. Arrington, Thomas B. Wheeler was nominated for Principal Door Keeper; on motion of Mr. Moore, Jehu Crews; on motion of Mr. Mangum, Wm. F. Smith; and on motion of Mr. Albright, B. Yates were added to the nomination. The Senate then voted as follows, to wit.

FOR MR. WHEELER,

MESRSS. Exum,
Whitaker,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Arrington,
Kerr,
McDiarmid,
Houlder,
Wilson,

MESSRS. Larkins,
Sloan,
Pollock,
Reid,
Montgomery,
Williams,
Melvin,
Pasteur,
Orr,
Ward,
Edwards—22.

FOR MR. CREWS.

MESSRS. Speaker,
Faison,
Bond,
Shepard,
Speed,
Spiers,
Worth,
Moye,
Hellen,
Selby,
Melchor,
Myers,

MESSRS. Spruill,
Dockery,
Morehead,
Moore,
Puryear,
Mitchell,
Hargrave,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum—24.

FOR MR. SMITH,

MESSRS. Mangum,
Johnson—2.

FOR MR. YATES,

Mr. Albright—1.

Neither of the persons in nomination having received a majority of the votes given, there was no election. Mr. Moore then moved that the Senate again proceed to vote, when, on motion of Mr. Mangum, Mr. Smith, and on motion of Mr. Albright, Mr. Yates, were withdrawn from the nomination.

The Senate then voted as follows, to wit:

FOR MR. CREWS,

MESSRS. Speaker,
Faison,
Bond,
Shepard,
Speed,
Spiers,
Mangum,
Worth,
Moye,
Hellen,
Johnson,
Selby,
Melchor,
Albright,

MESSRS. Myers,
Spruill,
Dockery,
Morehead,
Moore,
Puryear,
Mitchell,
Hargrave,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum—27.

FOR MR. WHEELER,

MESSRS. Exum,
Whitaker,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Arrington,
Kerr,
McDiarmid,

MESSRS. Larkins,
Sloan,
Pollock,
Reid,
Montgomery,
Williams,
Melvin,
Pasteur,
Orr,

Houlder,
Wilson,

Ward,
Edwards—22.

Mr. Crews having received a majority of the whole number of votes given, was duly elected.

On motion of Mr. Albright, Green Hill was nominated as Assistant Door-Keeper. The Senate then proceeded to vote as follows, to wit:

FOR MR. HILL,

MESSRS. Speaker,
Faison,
Exum,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Bond,
Shepard,
Arrington,
Speed,
Spiers,
Mangum,
Kerr,
McDiarmid,
Worth,
Houlder,
Moye,
Wilson,
Hellen,
Larkins,
Johnson,
Sloan,

MESSRS. Pollock,
Reid,
Melchor,
Albright,
Montgomery,
Williams,
Myers,
Spruill,
Dockery,
Melvin,
Morehead,
Pasteur,
Moore,
Puryear,
Mitchell,
Hargrave,
Ward,
Parks,
Ribelin,
Gaither,
Bynum,
Selby,
Edwards—47.

Mr. Hill having received the whole number of votes, was duly elected.

On motion of Mr. Morehead,

Ordered, That a message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of Col. Andrew Joyner as Speaker; Thomas G. Stone as Principal Clerk; Henry W. Miller, Clerk Assistant; and Jehu Crews and Green Hill, Door-Keepers.

Mr. Speed presented the following Resolution:

Resolved, That the gallery, on the right of the Speaker's Chair, be appropriated exclusively to the Ladies.

Which was read, and on motion of Mr. Doekery, ordered to lie on the table.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, NOVEMBER 17, 1840.

The Senate met agreeably to adjournment. Mr. Doekery being appointed Speaker pro tem. took his seat, and the Senate proceeded to business.

Received from the House of Commons a message, informing the Senate of the due organization of that House, by the election of William A. Graham, Speaker; Charles Manly, Principal Clerk; Edmund B. Freeman, Clerk Assistant; Samuel J. Finch and Thomas Anderson, Doorkeepers; and that they are ready to proceed to the despatch of public business—and propose that a committee of two, on the part of each House, wait upon his Excellency, the Governor, to inform him of the organization of the General Assembly, of their readiness to receive such communications as he may think proper to make—which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Morehead and Orr form the committee on the part of the Senate, to wait upon his Excellency, the Governor—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the two Houses proceed immediately to the election of three Engrossing Clerks, and stating that the following persons are in nomination, to wit: John M. Rose, John Russ, D. Hearn, James A. Drake, William Valentine, A. Miller, James Howze, Alfred Stanly, Wm. A. Harrison and Gould Hoyt—which was read and agreed to.

On motion of Mr. Morehead,

Ordered, That a message be sent to the House of Commons, stating that the Senate concur in their proposition to vote immediately for three Engrossing Clerks; and fur-

ther stating that the following persons are in nomination: Thomas L. Jump, Wm. J. Ellison, H. W. Burguyn; and also stating that Messrs. Clingman and McDiarmid compose the committee on the part of the Senate to conduct the election.

Received from the House of Commons a message, informing the Senate that Messrs. Spruill & W. J. T. Miller compose the committee, on their part, to superintend the election of three Engrossing Clerks. The Senate then proceeded to vote for three Engrossing Clerks as follows, to wit:

FOR MR. HOYT,

MESSRS. Faison,	Montgomery,
Exum,	Williams,
Whitaker,	Myers,
Cooper,	Spruill,
Etheridge,	Dockery,
Whitfield,	Morehead,
Bond,	Pasteur,
Spiers,	Moore,
Kerr,	Purveyer,
McDiarmid,	Mitchell,
Worth,	Hargrave,
Houlder,	Clingman,
Moye,	Parks,
Selby,	Gaither,
Pollock,	Edwards,
Melchor,	Albright—32.

FOR MR. DRAKE,

MESSRS. Whitaker,	Williams,
Bond,	Myers,
Worth,	Orr,
Pollock,	Albright—9.
Reid,	

FOR MR. RUSS,

MESSRS. Exum,	MESSRS. Houlder,
Hawkins,	Hellen,
Arrington,	Johnson—6.

FOR MR. ROSE,

MESSRS. Faison,
Shepard,
Speed,
Worth,
Moye,
Wilson,
Selby,
Montgomery,
Myers,
Spruill,

MESSRS. Dockery,
Morehead,
Moore,
Puryear,
Mitchell,
Hargrave,
Parks,
Ribelin,
Bynum,
Albright—20.

FOR MR. HOWZE,

MESSRS. Whitaker,
Hawkins,
Cooper,
Etheridge,
Arrington,
Mangum,
McDiarmid,

MESSRS. Wilson,
Heller,
Larkins,
Johnson,
Sloan,
Ward,
Edwards—14.

FOR MR. VALENTINE.

MESSRS. Faison,
Bond,
Shepard,
Speed,

MESSRS. Spiers,
Wilson,
Sloan—7.

FOR MR. HEARN,

MESSRS. McDiarmid,
Reid,
Melchor,
Montgomery,

MESSRS. Dockery,
Melvin,
Orr,
Ribelin—8.

FOR MR. HARRISON,

MESSRS. Larkins,
Sloan,
Reid—3.

FOR MR. JUMP,

MESSRS. Spiers,
Mangum,

MESSRS. Johnson,
Ward—4.

FOR MR. ELLISON,

MESSRS. Shepard,
Arrington,
Mangum,
Kerr,
Moye,
Larkins,

MESSRS. Sloan,
Selby,
Spruill,
Melvin,
Morehead,
Pasteur—12.

FOR MR. BURGWIN,

MESSRS. Whitfield,
Speed,

MESSRS. Clingman,
Gaither—4.

FOR MR. MILLER,

MESSRS. Exum,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Kerr,
Houlder,
Melchor,
Williams,
Melvin,
Moore,

MESSRS. Puryear,
Mitchell,
Orr,
Hargrave,
Ward,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum,
Edwards—22.

FOR MR. STANLY,

MESSRS. Hellen,
Pollock,

MESSRS. Pasteur,
Bynum—4.

Mr. Reid presented the following Resolution, to wit:

Resolved, That a Select Committee of five be appointed, for the purpose of preparing permanent Rules of Order and Decorum for the government of the Senate during the present session; and that the Rules for the last session be adopted for this House until otherwise ordered.

Which was read and adopted.

The Speaker announced that Messrs. Reid, Worth, Myers, Cooper and Speed, form the committee on the foregoing resolution.

The Speaker presented a communication from the Secretary of State, relative to the Public Printing; which was read, and, on motion of Mr. Moore, ordered to be sent to the House of Commons.

Mr. Clingman, from the Committee appointed to superintend the election of three Engrossing Clerks, reported that Gould Hoyt had received a majority of the whole number of votes given, and was duly elected; and that neither of the other persons in nomination had received a majority; in which report the Senate concurred.

The Resolution that the Gallery on the right of the Speaker's Chair, be appropriated exclusively to the Ladies, heretofore laid on the table, was taken up, read, and rejected.

Received from the House of Commons a message, stating that Messrs. Wilson and James T. Miller form the committee on their part to wait upon his Excellency the Governor.

Received from the House of Commons a message, proposing to proceed forthwith to the election of two engrossing clerks, and that the names of Messrs. Russ and Valentine are withdrawn from the nomination; which was read and concurred in. Whereupon a message was sent to the House of Commons concurring in their proposition to vote for two engrossing clerks, yet to be elected, and informing them that the name of Mr. Jump was withdrawn from the nomination; and that Messrs. Spruill and Melvin form the committee on the part of the Senate to superintend said election.

Received from the House of Commons a message, stating that Messrs. Cardwell and Patton form the committee on their part to superintend the election of two engrossing clerks yet to be elected; and that they will commence voting on return of the messenger. The Senate then voted as follows, to wit:

FOR MR. DRAKE,

MESSRS. Exum,
Whitaker,
Etheridge,
Whitfield,
Bond,
Mangum,
Worth,
Houlder,

MESSRS. Larkins,
Sloan,
Pollock,
Albright,
Myers,
Melvin,
Edwards—15.

FOR MR. MILLER,

MESSRS. Exum,
Whitaker,
Hawkins,
Cooper,
Etheridge,
Whitfield,
Arrington,
Speed,
Spiers,
Kerr,
Houlder,
Larkins,
Pollock,
Reid,
Melchor,

MESSRS. Williams,
Melvin,
Moore,
Purveyor,
Mitchell,
Orr,
Hargrave,
Ward,
Clingman,
Parks,
Ribelin,
Gaither,
Bynum,
Edwards—29.

FOR MR. STANLY,

Mr. Shepard—1.

FOR MR. HEARN,

MESSRS. McDiarmid,
Reid,
Melchor,

MESSRS. Montgomery,
Dockery,
Orr—6.

FOR MR. HOWZE,

MESSRS. Hawkins,
Arrington,
Kerr,
McDiarmid,
Wilson,

MESSRS. Hellen,
Johnson,
Sloan,
Williams—9.

FOR MR. ELLISON,

MESSRS. Faison,
Cooper,
Bond,
Spiers,
Moye,

MESSRS. Wilson,
Selby,
Spruill,
Morehead,
Pasteur—10.

FOR MR. ROSE,

MESSRS. Faison,
Speed,
Mangum,
Worth,
Moye,
Johnson,
Selby,
Albright,
Mitchell,
Hargrave,
Clingman,
Parks,

Shepard,
Montgomery,
Myers,
Spruill,
Dockery,
Morehead,
Moore,
Purveyor,
Ribelin,
Gaither,
Bynum—23.

FOR MR. STANLY,

-MESSRS. Hellen,
Pasteur,
Ward—3.

Mr. Morehead, from the joint select committee appointed on the part of the Senate to wait upon His Excellency the Governor, reported they received for answer that he would make a communication to the Legislature on to-morrow at 12 o'clock.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, NOVEMBER 18, 1840.

Mr. Spruill, from the joint select committee on the part of the Senate to superintend the election of two Engrossing Clerks, reported that Adolphus Miller having received a majority of the whole number of votes given, was duly elected—and that no other person in nomination had received a majority; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses vote immediately for one Engrossing Clerk yet to be elected; which was read and agreed to. Whereupon a message was sent to the House

of Commons agreeing to their proposition to vote immediately for one Engrossing Clerk yet to be elected—and further stating that the name of Mr. Burgwyn is withdrawn from the nomination. The Speaker announced to the Senate that Messrs. Mitchell and Whitfield form the committee on the part of the Senate to superintend the election of one Engrossing Clerk yet to be elected, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. McCleese and Holland compose the committee on their part to superintend the election of one Engrossing Clerk yet to be elected, and further stating that the name of Mr. Stanly is withdrawn from the nomination; and that they will vote on return of the messenger. The Senate then voted as follows, to wit:

FOR MR. ELLISON,

Mr. Cooper—1.

FOR MR. ROSE,

MESSRS. Bond,
Bynum,
Clingman,
Dockery,
Faison,
Hargrave,
Larkins,
Mangum,
Moye,
Myers,
Moore,

MESSRS. Mitchell,
Morehead,
McDiarmid,
Purveyor,
Parks,
Speed,
Spiers,
Selby,
Shepard,
Spruill,
Ribelin—22.

FOR MR. DRAKE,

MESSRS. Albright,
Etheridge,
Kerr,
Melvin,
Orr,

MESSRS. Sloan,
Worth,
Williams,
Ward—9.

FOR MR. HEARN,

MESSRS. Exum,

MESSRS. Reid,

Houlder,
Melchor,
Montgomery,

Whitfield,
Wilson—7.

FOR MR. HOWZE,

MESSRS. Arrington,
Edwards,
Gaither,
Hill,
Hellen,

MESSRS. Hawkins,
Johnson,
Pasteur,
Pollock—9.

Mr. Spruill presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of five on the part of each House, to prepare and report joint rules for the government of the two Houses.

Which was read and adopted.

Received from the House of Commons a message, transmitting a communication from his Excellency, the Governor, covering the resignations of the Honorable Bedford Brown, and the Honorable Robert Strange, late United States Senators; which were read and accepted.

Mr. Reid, from the committee appointed to prepare permanent Rules of Order and Decorum for the government of the Senate during its present session, reported the Rules of Order and Decorum of the last Session, with an amendment; which were read, and are as follows, to wit:

1. When the Speaker takes the chair, each member shall take his seat; and on the appearance of a quorum, the Journal of the preceding day shall be read.

2. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit: 1st, the receiving petitions, memorials, pension certificates, and papers addressed either to the General Assembly or to the Senate; 2nd, the reports of standing committees; 3rd, the reports of select committees; 4th, resolutions; 5th, bills; 6th, bills, resolutions, petitions, memorials, messages, pension certificates, and other papers on the table; then the orders of the day; but motions and messages to elect officers shall always be in order.

3. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall

confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House; and when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the chair.

4. All bills and resolutions of a public nature introduced, shall pass as a matter of course the first reading.

5. If any member in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favour of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

6. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question; to postpone it to a day certain; to postpone it indefinitely; to commit it; to let it lie on the table; or to adjourn.

7. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "Senators, as many as are of opinion that (as the case may be,) say aye;" and after the affirmative voice is expressed, "as many as are of a contrary opinion, say no." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate when any question was put from the Chair, shall enter his yea or nay without leave, unless he shall have been absent on some committee; and that the row of pillars shall be the bar of the Senate.

8. When any member shall make a motion, which is

not of course, he shall reduce the same to writing, if required.

9. In all cases of election by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

10. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

11. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introduceer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

12. Resolutions for the appropriation of public money, and all resolutions of a public nature, as well as all bills, shall be read the first time for information, and, upon this reading, shall not be subject to amendment; but may be amended, on the second and third reading; and the clerk shall keep a calendar of all such resolutions and bills, with the orders taken on them, for the inspection of the members of the Senate.

13. All bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information, and afterwards, paragraph by paragraph, and held open for amendment.

14. After a bill has been once rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

15. When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof, on the same or succeeding day, if the bill, resolution, or paper, upon which the question has been taken, be in possession of the Senate.

16. The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all committees, except when otherwise ordered; and the select committees of this House shall consist of five members.

17. There shall be appointed by the Speaker the following committees, viz: A Committee of Propositions and Grievances; a Committee of Privileges and Elections; a Committee of Claims; a Committee on the Judiciary; a Committee on Internal Improvement; and a Committee on Education and the Literary Fund, consisting of seven members each.

18. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the chair, and appoint a chairman; and when, upon any other occasion, the Speaker wishes to leave the chair, he shall appoint a Speaker *pro tem*.

19. When any petition, memorial, or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall, in their report on the petition, memorial, or other paper, make a statement in writing of the facts embraced in the case so referred.

20. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the Speaker or Chairman of the committee of the whole House shall have power to have the same cleared.

21. No person, except members of the House of Commons, officers and clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

22. Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

23. When the House adjourns, the members shall keep their seats until the Speaker leaves the chair.

24. On motion of adjournment, the question shall be decided without debate.

25. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two thirds of the members present.

Mr. Wilson moved to strike out the fourth rule, upon which question he demanded the Yeas and Nays, which were as follows, viz:

Those who voted in the affirmative, were,

MESSRS. Exum,
Faison,
Houlder,
Hill,
Mangum,
Mitchell,
Morehead,
Orr,
Sloan,

MESSRS. Spiers,
Shepard,
Spruill,
Reid,
Worth,
Williams,
Ward,
Wilson—17.

Those who voted in the negative, were,

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Cooper,
Clingman,
Etheridge,
Edwards,
Gaither,
Hellen,
Hawkins,
Johnsen,
Kerr,
Larkins,
Myers,

MESSRS. Melchor,
Moye,
Montgomery,
Melvin,
Moore,
McDiarmid,
Pasteur,
Puryear,
Pollock,
Parks,
Speed,
Selby,
Ribelin,
Whitfield—29.

Mr. McDiarmid then moved to add to the fourth rule, the words "unless the yeas and nays are called for;" which were read and rejected.

The rules as reported by the committee were then adopted.

Mr. Mitchell, from the joint select committee, appointed on the part of the Senate to superintend the election of one engrossing clerk yet to be elected—reported that no person in nomination had received a majority of the whole number of votes given, and there was no election—in which report the Senate concurred.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for one engrossing clerk yet to be elected.

On motion of Mr. Mangum, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, NOVEMBER 19, 1840.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee of five on the part of each House, to prepare and report joint rules for the government of the two Houses; and further stating that Messrs. Adams, Hoke, Hill, Barringer and Robert B. Gilliam form the Committee on their part.

The Speaker announced to the Senate that Messrs. Moore, Ward, Puryear, Sloan and Bond form the Committee on the part of the Senate to prepare and report joint rules for the government of the two Houses; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, transmitting to the Senate the Annual Report of the Public Treasurer, with a proposition that it be printed; which was read and concurred in, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote immediately for one engrossing clerk yet to be elected; and further stating that the name of Mr. Howze is withdrawn from the nomination. Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Montgomery and Hill form the Committee on the part of the Senate to superintend the election of one engrossing clerk yet to be elected; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Wm. B. Lane and Whitehurst compose the Committee on their part to superintend the election of one engrossing clerk yet to be elected; and further stating that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. ROSE,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,
Gaither,

MESSRS. Moore,
Mitchell,
Morehead,
McDiarmid,
Puryear,
Parks,

Hargrave,
Johnson,
Mangum,
Moye,
Myers,
Montgomery,

Speed,
Spiers,
Selby,
Shepard,
Spruill,
Ribelin—24.

FOR MR. DRAKE,

MESSRS. Albright,
Arrington,
Cooper,
Etheridge,
Exum,
Edwards,
Houlder,
Hill,
Hellen,
Kerr,
Larkins,
Melchor,

MESSRS. Melvin,
Orr,
Pollock,
Reid,
Sloan,
Whitaker,
Whitfield,
Worth,
Williams,
Ward,
Wilson—23.

Mr. Shepard presented the following resolution, to wit:

Resolved, That the commissioners of public buildings be directed to place a stove in some convenient place in the Senate Chamber.

Which was read, and on motion of Mr. Edwards, ordered to lie on the table.

Received from the House of Commons a message, proposing that a joint select committee of three on the part of each House be raised, for the purpose of examining the apartments of the Capitol, and assigning to the State Officers, and the Committees of the General Assembly, their several rooms; and to ascertain whether any other order in relation to the Capitol be necessary; and that the committee report by bill or otherwise; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Spruill, Arrington and Hellen form the committee on the part of the Senate on the foregoing proposition; and the House of Commons was informed thereof by message.

Mr. Montgomery, from the joint select committee on

the part of the Senate to superintend the election of one engrossing clerk, reported that Mr. Rose had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

Received from the House of Commons two pension certificates of the County Court of Cumberland county, in favour of Martha Spears, widow of the late John Spears; also, two pension certificates of said county in favor of Isabella Campbell; also, a certificate of the Court of Pleas and Quarter Sessions of Iredell county, in favor of Ann Patterson; and one from the same county in favor of Mary Marshall; which were severally read, and on motion of Mr. McDiarmid, ordered to lie on the table.

On motion of Mr. Bynum, the Senate adjourned until to morrow morning, ten o'clock.

FRIDAY, NOV. 20, 1840.

The Speaker announced to the Senate the following standing committees, to wit:

ON PROPOSITIONS AND GRIEVANCES,

MESSRS. Moore,
Faison,
Orr,
Cooper,

MESSRS. Parks,
Spiers,
Houlder.

ON PRIVILEGES AND ELECTIONS,

MESSRS. Speed,
Montgomery,
Kerr,
Bynum,

MESSRS. Hargrave,
Whitaker,
Exum.

ON CLAIMS,

MESSRS. Dockery,
Whitfield,
Melchor,
Puryear,

MESSRS. Bond,
Williams,
Sloan.

ON THE JUDICIARY,

MESSRS. Morehead,
Edwards,
Mitchell,
Gaither,

MESSRS. Bynum,
Wilson,
Hill.

ON INTERNAL IMPROVEMENT,

MESSRS. Shepard,
Clingman,
Hawkins,
McDiarmid,

MESSRS. Hellen,
Ribelin,
Pasteur.

ON EDUCATION & THE LITERARY FUND,

MESSRS. Mangum,
Arrington,
Shepard,
Worth,

MESSRS. Reid,
Myers,
Ward.

Mr. Mitchell presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvements be instructed to inquire into the expediency of constructing a Turnpike Road from Raleigh to the Tennessee line, by way of Wilkesborough and Jefferson.

Which was read, and, on motion of Mr. Gaither, amended and adopted.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, proposing to vote for a Solicitor of the 6th Judicial Circuit on Monday next, at 11 o'clock.

Received from the House of Commons a message, proposing to refer the memorials relating to the establishment of a new county, therewith transmitted to the Senate, to a joint select committee to be composed of five on the part of their House, to be selected from the members representing the counties of Rutherford and Lincoln, and two on the part of the Senate, to wit, the Senators from the same counties of Rutherford and Lincoln; which was read and agreed to; and the House of Commons was informed thereof by message.

Mr. Moore, from the joint select committee appointed to prepare and report joint rules for the government of the two Houses during the present session, reported the rules of the last session of the Legislature without amendment; which were read and adopted.

Received from the House of Commons a message, transmitting to the Senate the message of his excellency the Governor, proposing to print five copies for each member of the General Assembly; which was read and agreed to; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that a joint select committee of five on the part of their House, and four on the part of the Senate, be raised upon the subject of the Cherokee Lands; which was read and agreed to; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Clingman, Ward, Gaither and Wilson form the committee on the part of the Senate on the foregoing proposition; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to vote immediately for Secretary of State, and stating that William Hill is in nomination for that office; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Melchor and Pasteur form the committee on our part on the foregoing proposition; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. Young and Thomson form their branch of the Committee to superintend the vote for Secretary of State; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. HILL,

MESSRS. Speaker,
Albright,
Arrington,
Bond,
Bynum,
Cooper,

MESSRS. Montgomery,
Melvin,
Moore,
Mitchell,
Morehead,
McDiarmid,

Clingman,
Etheridge,
Exum,
Edwards,
Faison,
Gaither,
Houlder,
Hill,
Hellen,
Hawkins,
Hargrave,
Johnson,
Kerr,
Larkins,
Mangum,
Moye,
Myers,
Melchor,

Orr,
Pasteur,
Puryear,
Parks,
Speed,
Spiers,
Sloan,
Selby,
Shepard,
Spruill,
Ribelin,
Reid,
Whitaker,
Whitfield,
Worth,
Williams,
Ward,
Wilson—48.

Received from the House of Commons a message, transmitting to the Senate the report of the commissioners for re-building the Capitol, and proposing to print it; which was read and agreed to; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote on Monday next for Solicitor of the 6th Judicial Circuit, and stating that James R. Dodge, Bartlet Ship, and Hamilton C. Jones are in nomination for that office.

Mr. Spruill presented to the Senate the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee on the public buildings and re-building the capitol; and that said committee report whether the amount of money already appropriated for re-building the capitol, has been judiciously expended, and what amount will be necessary for its completion; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. H. C. Jones, J. O'K. Williams and Graves form their branch of the joint select committee

raised to examine and assign the apartments of the Capitol.

Received from the House of Commons a message, proposing to raise a joint select committee, consisting of two on the part of each House, to investigate the title of the State to the Swamp Lands, which are to be drained under the direction of the Literary Board; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Hellen and Bynum form our branch of the committee on the foregoing proposition; and the House of Commons was informed thereof by message.

The Senate took up the resolution relative to placing a stove in the Senate chamber, heretofore laid on the table; which was read, and, on motion of Mr. Shepard, ordered to lie on the table.

Mr. Melchor, from the joint select committee appointed to compare and report the vote for Secretary of State, reported that Mr. Hill had received the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Senate then took up the two pension certificates of Isabella Campbell; also, of Martha Spears, of Cumberland county; and the certificate of Ann Patterson and Mary Marshall, of Iredell county, heretofore laid on the table; which were severally read, and, on motion of Mr. McDiarmid, ordered to be countersigned by the Speaker.

Received from the House of Commons the pension certificates of the Court of Pleas and Quarter Sessions of Craven county, in favor of the following persons, to wit: John Rhein, Thomas Ewell, Alexander Taylor and Margaret Bexley; which were severally read, and, on motion of Mr. Pasteur, ordered to be countersigned by the Speaker.

Mr. Gaither presented a bill, entitled a bill fixing the sum hereafter to be paid for vacant lands to the State; which was read the first time and passed.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, NOVEMBER 21, 1840.

Mr. Larkins presented the resignation of James Bond, a Justice of the Peace of New-Hanover county; which was read and accepted, and transmitted to the House of Commons.

The Speaker announced to the Senate the following joint Committees, to wit:

ON FINANCE,

MESSRS. Spruill,
Wilson,
Albright,
Melvin,

MESSRS. Moye,
Hargrave,
McDiarmid,
Ward.

ON THE LIBRARY,

MESSRS. Mitchell,
Edwards,
Gaither

And the House of Commons was informed thereof by message.

Mr. Clingman presented a bill, entitled a bill directing the conveyance of the Commons adjoining the town of Murphey, to the Chairman of the County Court of Cherokee; which was read the first time and passed.

Received from the House of Commons a message, proposing to print, in pamphlet form, the Joint Rules in connexion with the rules of the Senate—the rules of the House of Commons—the Constitution of the State, and of the United States; which was read and concurred in, and the House of Commons was informed thereof by message.

Mr. Moore presented the following resolution, to wit:

Resolved, That the Committee on Education and the Literary Fund, be instructed to inquire if any, and what alterations are expedient in the act for the establishment of Common Schools, and report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stat-

ing that Messrs. J. P. Caldwell, Biggs, Burns, Foreman, Reid, Thompson, Graves and J. O'K. Williams, form their branch of the Committee on Finance.

Messrs. Paine, C. Jones and J. R. Gilliam, form their branch of the Committee on the Library—and Messrs. Siler, Cardwell, Boyden, Grandy and Patton, form their branch of the Joint Select Committee on Cherokee Lands.

On motion of Mr. Edwards, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, NOVEMBER 23, 1840.

Mr. Melvin presented the resignation of Jacob Powell, a Justice of the Peace of Columbus County; which was read and accepted, and ordered to be sent to the House of Commons.

Mr. Spruill presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that a joint select committee of three on the part of each House be appointed to make the necessary arrangements, and to prescribe the time and manner for the assembling of the two Houses of the General Assembly, to compare the votes given at the late election in this State for Governor, and to declare the result thereof.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Paine and Moore form their branch of the joint select committee raised to investigate the title of the State to the swamp lands; and that Messrs. W. J. T. Miller, Hoke, Mills, Killian and Jefferson form their branch of the joint select committee raised upon the petitions, praying the establishment of a new county out of portions of Rutherford and Lincoln.

The Speaker announced to the Senate that Messrs. Melchor and Ward form the Committee on the part of the Senate to superintend the election for Solicitor of the 6th Judicial Circuit; and the House of Commons was informed thereof by message.

Mr. Mitchell moved that a message be sent to the House of Commons, proposing to vote for Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Honorable John D. Toomer; which was rejected.

Mr. Worth presented the following resolution, to wit:

Resolved, That the Public Treasurer pay to John Marsh, of Randolph county, or his agent, twenty dollars, which sum he paid the State for a grant of two hundred acres of land, which had been previously granted to John Bryant; and that the Treasurer be allowed the same in the settlement of his public accounts.

Which was read, and, on motion of Mr. Worth, referred to the committee on claims.

Mr. Wilson presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that the Report of the Comptroller for the fiscal year 1838, be printed.

Which was read and adopted.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select committee on public buildings and the re-building the capitol; and stating that Messrs. Rand, Poindexter, Smith, Hoke and Guyther form their branch of the committee.

Received from the House of Commons a message, stating that Messrs. Burns and Franklin form their branch of the committee to superintend the election of a Solicitor of the 6th Judicial Circuit; and that they will commence voting on return of the messenger.

The Senate voted as follows:

FOR MR. DODGE,

MESSRS. Speaker,
Bond,
Clingman,
Cooper,
Exum,
Faison,

MESSRS. Moore,
Morehead,
Moye,
Myers,
Purveyor,
Selby,

Hargrave,
Hellen,
Hawkins,
Kerr,
Melchor,

Spiers,
Spruill,
Whitaker,
Williams,
Worth—22

FOR MR. SHIPP,

MESSRS. Bynum,
Edwards,
Gaither,
Hill,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Orr,
Pollock,
Reid,
Sloan,
Ward,
Whitfield,
Wilson—14.

FOR MR. JONES,

MESSRS. Albright,
Dockery,
Etheridge,
Johnson,
Mangum,
Montgomery,

MESSRS. Parks,
Pasteur,
Ribelin,
Shepard,
Speed—11.

Mr. Arrington voted for Mr. Caldwell.

Mr. Moore presented the following resolutions, to wit:

Resolved, That a message be sent to the House of Commons, proposing that so much of the Governor's message as relates to a Bank of the United States, and to an increase of our Bank capital, be referred to a joint select committee, consisting of three members of the Senate, and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message of his Excellency the Governor as relates to a penitentiary, be referred to a joint select committee, consisting of three members on the part of the Senate and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message as relates to lunatic and orphan asylums, be referred to a joint select committee, consisting of three members on the part of the

Senate and four members on the part of the House of Commons.

Resolved, That a message be sent to the House of Commons, proposing that so much of the message as relates to a union of the Boards of Internal Improvement and of the Literary Fund, be referred to a joint select committee consisting of three members on the part of the Senate, and four members on the part of the House of Commons.

¶ *Resolved*, That a message be sent to the House of Commons, proposing that so much of the message as relates to the remonstrance of the people of the District of Columbia, and the proceedings of the Legislatures of Kentucky and New York, and other States in relation to the public domain, and the New Jersey Resolutions, be referred to a joint select committee, consisting of three on the part of the Senate, and four on the part of the House of Commons.

Resolved, That so much of the message as relates to a loan to the Wilmington and Raleigh and the Raleigh and Gaston Rail Roads, be referred to the committee on internal improvement; and that so much of said message as relates to the construction of a Turnpike Road from this place to the mountains, be referred to the committee on internal improvement.

Resolved, That so much of the message as relates to Nags' Head, be referred to the committee on internal improvement; and that the report and survey of Major Gwyn be printed.

Resolved, That so much of the message as relates to Common Schools, be referred to the committee on education.

Resolved, That so much of the message as relates to the location of the Judges, be referred to the committee on the judiciary.

Resolved, That so much of the message as relates to the proceeding of Georgia, South Carolina, and Virginia, on the subject of the apprehension and delivery of fugitives from justice, be referred to the judiciary committee.

Resolved, That so much of the message as relates to arsenals, repair of cannon, and volunteer or uniform companies, be referred to the committee on military affairs.

Which were severally read, and, on motion of Mr. Shepard, amended and adopted.

Mr. Bynum presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of constructing a Turnpike Road from Fayetteville to Asheville.

Which was read and adopted.

Received from the House of Commons a message, proposing to vote again immediately for Solicitor of the 6th Judicial circuit; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Arrington and Ribelin form the committee on the part of the Senate to superintend the election for Solicitor of the 6th Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. McLaughlin and Bryan form their branch of the committee to superintend the election of Solicitor of the sixth Judicial circuit; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DODGE,

MESSRS. Speaker,
Bond,
Clingman,
Cooper,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Kerr,
Melchor,
Moore,

MESSRS. Morehead,
Moye,
Myers,
Parks,
Purveyor,
Spiers,
Spruill,
Whitaker,
Whitfield,
Worth,
Williams—23.

FOR MR. JONES,

MESSRS. Albright,
Dockery,
Etheridge,
Johnson,
Mangum,
Montgomery,

MESSRS. Pasteur,
Ribelin,
Selby,
Shepard,
Speed—11.

FOR MR. SHIPP,

MESSRS. Bynum,
Edwards,
Hill,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Orr,
Pollock,
Reid,
Sloan,
Ward,
Wilson—12.

Mr. Arrington voted for Mr. G. Caldwell.

Mr. Arrington from the joint select committee appointed to superintend the election of the Solicitor of the 6th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and therefore no one was elected; in which report the Senate concurred.

Mr. Dockery presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee consisting of five members on the part of each House on Military Affairs.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote again immediately for a Solicitor of the sixth Judicial Circuit, and that the name of Bartlet Slipp is withdrawn from the nomination; which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Moore and Sloan form the committee to superintend the election of Solicitor of the sixth Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Holt and Patton form their branch of the committee to superintend the election for Solicitor of the sixth Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DODGE,

MESSRS. Speaker,
Arrington,

MESSRS. McDiarmid,
Moore,

Bond,	Morehead,
Clingman,	Moye,
Cooper,	Myers,
Edwards,	Parks,
Etheridge,	Pollock,
Exum,	Puryear,
Faison,	Reid,
Gaither,	Spiers,
Hargrave,	Spruill,
Hawkins,	Ward,
Hellen,	Whitaker,
Kerr,	Whitfield,
Melchor,	Williams,
Mitchell,	Worth—32.

FOR MR. JONES,

MESSRS. Albright,	MESSRS. Orr,
Bynum,	Pastennr,
Dockery,	Ribelin,
Hill,	Selby,
Johnson,	Shepard,
Mangum,	Sloan,
Melvin,	Speed,
Montgomery,	Wilson—16.

Mr. Moore, from the joint select committee appointed to superintend the election of Solicitor for the sixth Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

The Senate then took up for consideration, the bill "entitled a bill directing the conveyance of the Commons adjoining the town of Murphy, to the chairman of the County Court of Cherokee; which was read the second time. Mr. Bynum moved to amend the second section, by striking out the word *one* and inserting the word *five* in lieu thereof, which was agreed to; and the bill, as amended, passed.

Received from the House of Commons a message, proposing to vote again immediately for Solicitor of the sixth Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Clingman and Exum form the committee to superintend

the election of Solicitor for the sixth Judicial Circuit; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Lilly and Smith form their branch of the committee to superintend the election of Solicitor for the sixth Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DODGE,

MESSRS. Speaker,
Arrington,
Bond,
Clingman,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Kerr,
Melchor,
Puryear,

MESSRS. Reid,
Spiers,
Spruill,
Worth,
Mitchell,
McDiarmid,
Moore,
Morehead,
Moye,
Myers,
Parks,
Pollock,
Ward,
Whitaker,
Whitfield,
Williams—32.

FOR MR. JONES,

MESSRS. Bynum,
Dockery,
Hill,
Johnson,
Mangum,
Melvin,
Montgomery,

MESSRS. Orr,
Pasteur,
Ribelin,
Selby,
Sloan,
Speed,
Wilson—14.

On motion of Mr. Cooper, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, NOV. 24, 1840.

Mr. Bynum presented the petition of certain citizens of Rutherford county, remonstrating against being included in the contemplated new county, out of portions of Burke and Rutherford; which was, on his motion, referred to the select committee raised on that subject.

Mr. Pasteur presented the following resolution, to wit:

Resolved, That so much of the message of his Excellency the Governor, as relates to the improvement of Neuse River, be referred to the committee on internal improvement.

Which was read and adopted.

Mr. Shepard presented a bill entitled a bill to locate the Judges of the Superior Courts of Law and Equity within the several Districts; which was read the first time and passed; and, on motion of Mr. Wilson, referred to the Committee on the Judiciary.

The Speaker presented to the Senate a communication from the Secretary of State, transmitting the returns of the Sheriffs of the several counties of the State of the votes given for Governor at the late August election; which was read, and, on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

Mr. Whitfield presented the following resolution, to wit:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the militia laws of this State, so as to compel officers to hold their commission four years, and to exempt officers so serving four years, from military duty, except in case of insurrection and invasion; and that said committee be instructed to report by bill or otherwise.

Which was read and adopted.

Mr. McDiarmid presented a bill entitled a bill to exempt all persons under twenty-one years of age, from performing military duty; which was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the Comptroller's Report for the fiscal year 1838, be printed; also concurring in the proposition to print the report of Maj. Gwynn and the survey of Nags' Head.

Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of each House, to inquire into the expediency of abolishing imprisonment for debt; and that they report by bill or otherwise; which was read and concurred in.

On motion of Mr. Wilson,

Ordered, That a message be sent to the House of Commons, proposing to refer the Reports of the Public Treasurer and Comptroller for the years 1838 and '39, to the Committee on Finance.

Received from the House of Commons a message, proposing to raise a joint select committee on military affairs; which was read and concurred in.

Received from the House of Commons a message, proposing to vote on to-morrow at 11 o'clock for Solicitor of the 7th Judicial Circuit; and that Burgess S. Gaither, Thomas Wilson, and James W. Guinn are in nomination for the appointment; which was read and agreed to; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate, that Messrs. Faison and Pollock form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

On motion of Mr. Albright,

Ordered, That a message be sent to the House of Commons, informing them that John Gray Bynum is added to the nomination for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Senator in the Congress of the United States, for the term of six years from the fourth of March next; which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Worth and Reid form our branch of the committee to superintend the election of Senator in the Congress of the United States for the term of six years from the fourth of March next; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Robards and Eaton form their branch of the committee to superintend the election of Senator for the United States' Senate; and that Willie P. Mangum, Senator from the county of Orange, is in nomination for

the appointment. They will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. MANGUM,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,

MESSRS. Moore,
Morehead,
Montgomery,
Moye,
Myers,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Worth—25.

FOR MR. BROWN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

Received from the House of Commons a message, proposing to raise a joint select committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Spruill, Hawkins and Albright form the committee on the part of the Senate to designate the time and manner of counting and comparing the votes cast for Governor at the late August elections; and the House of Commons was informed thereof by message.

Mr. Reid, from the joint select committee appointed to superintend the election of Senator in the Congress of the United States, for six years from the fourth of March next, reported that Mr. Mangum had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

Mr. McDiarmid presented a bill entitled a bill to exempt all white males under twenty-one years of age, from working on any public road in this State, and from serving as overseers on the same; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a United States' Senator, to supply the vacancy occasioned by the resignation of Bedford Brown; and that Willie P. Mangum is in nomination for that vacancy; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Whitaker and Gaither form the committee to superintend the election for a United States Senator to supply the vacancy occasioned by the resignation of Bedford Brown—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Thompson and Dickson form their branch of the committee to superintend the election of a United States' Senator to supply the vacancy occasioned by the resignation of Bedford Brown; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. MANGUM,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,

MESSRS. Moore,
Morehead,
Montgomery,
Moye,
Myers,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Worth—25.

FOR MR. BROWN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum.
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

The Senate then took up for consideration a bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; which was read the third time, and on motion of Mr. Hellen, referred to the Committee on Cherokee Lands.

Mr. Gaither, from the joint select committee appointed to superintend the election of a United States' Senator to supply the vacancy created by the resignation of Bedford Brown, reported that Mr. Mangum had received a majority of the whole number of votes given, and therefore was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to refer so much of the Governor's message as relates to lunatic and orphan asylums to a joint select committee consisting of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Robert B. Gilliam, Allen, Beall and Hyman form their branch of the committee.

Received from the House of Commons a message, agreeing to the proposition of the Senate to refer so much of the message of the Governor as relates to a Penitentiary, to a joint select committee of three on the part of the Senate, and four on the part of the Commons; and that Messrs. Mendenhall, Russell, Brummell and Walker form their branch of the Committee.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer so much of the Governor's message as relates to a union of the

Board of Internal Improvement and the Literary Fund to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Hill, Carson, G. W. Caldwell and Robards form their branch of the committee.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate to refer so much of the Governor's message as relates to a Bank of the United States, and to an increase of our bank capital, to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons; and that Messrs. Barringer, Cardwell, Eaton and Moore form their branch of the Committee.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a United States Senator to fill the vacancy occasioned by the resignation of Robt. Strange; and that William A. Graham, of Orange, is in nomination to fill that vacancy; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Hill and Ribelin form the committee to superintend the election of a United States Senator to fill the vacancy created by the resignation of Robert Strange—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mendenhall and Morrow form their branch of the committee to superintend the voting for United States Senator to fill the vacancy occasioned by the resignation of Robert Strange, and that they will commence voting on return of the Messenger.

The Senate then voted as follows, to wit:

FOR MR. GRAHAM,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither
Hargrave,
Hellen,
Johnson,

MESSRS. Mitchell,
Moore,
Morehead,
Montgomery,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Speed,

Mangum,
Melchor,

Spruill,
Worth—26.

FOR MR. STRANGE,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

Mr. Hill, from the joint select committee appointed to superintend the election of a United States Senator to fill the vacancy created by the resignation of Robert Strange, reported that Mr. Graham had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Speaker announced to the Senate, that Messrs. Dockery, Wilson, Faison, Whitfield and Selby form our branch of the Committee on Military Affairs—and the House of Commons was informed thereof by message.

On motion of Mr. Ribelin, the Senate adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, Nov. 25, 1840.

Mr. Pasteur presented a bill, entitled a bill to incorporate a light artillery company in the town of Newbern; which was read the first time and passed, and, on motion of Mr. Pasteur, referred to the Committee on Military Affairs.

The Senate then took up for consideration the following bill, to wit:

A Bill to exempt all persons under twenty one years of age from performing military duty; which was, on mo-

tion of Mr. Moyer, referred to the Committee on Military Affairs.

The Senate then took up for consideration

A Bill to exempt all white males under twenty-one years, from working on any public road in this State, and from serving as overseers on the same; which was read the second time. Mr. Albright moved that the bill be postponed indefinitely; upon which question Mr. McDiarmid demanded the yeas and nays.

Those who voted in the affirmative, were,

MESSRS. Albright,
Arrington,
Bynum,
Clingman,
Cooper,
Dockery,
Etheridge,
Faison,
Hargrave,
Johnson,
Melchor,
Mitchell,
Morehead,

MESSRS. Moyer,
Myers,
Parks,
Reid,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Ward.
Williams,
Worth—25.

Those who voted in the negative, were,

MESSRS. Bond,
Edwards,
Exum,
Hawkins,
Hellen,
Hill,
Houlder,
Kerr,
Melvin,

MESSRS. McDiarmid,
Moore,
Montgomery,
Orr,
Pasteur,
Pollock,
Whitaker,
Whitfield,
Wilson—18.

The bill was postponed indefinitely.

Received from the House of Commons a message, agreeing to refer the reports of the Public Treasurer and Comptroller, for the years 1838 and '39, to the Committee on Finance.

Received from the House of Commons a message, stat-

ing that the name of Thomas Wilson is withdrawn from the nomination for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, stating that Messrs. Mills and Hoke form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
McDiarmid,
Orr,
Pastuer,
Pollock,
Reid,

MESSRS. Ward,
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,
Whitaker,
Whitfield,
Williams,
Wilson—20.

FOR MR. GAITHER,

MESSRS. Clingman,
Hargrave,
Johnson,
Mangum,
Melchor,

MESSRS. Mitchell,
Morehead,
Montgomery,
Myers,
Parks—10.

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,
Faison,
Hellen,
Moore,

MESSRS. Moye,
Ribelin,
Selby,
Shepard,
Speed,
Worth—12.

Mr. Spruill voted for Mr. J. McD. Carson.

Mr. Faison, from the joint select committee, appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons, a message, stating that Messrs. J. P. Caldwell, J. T. Miller, Hawkins, Robards and J. O'K. Williams compose their branch of the joint select committee on Military Affairs; and Messrs. Mendenhall, Reid and Adams form their branch of the committee to designate the time and manner of counting and comparing the votes for Governor.

Received from the House of Commons a message, agreeing to refer so much of the message of his Excellency the Governor as relates to arsenals, repair of cannon, and volunteer companies, to the committee on Military Affairs.

The Speaker announced to the Senate that Messrs. Spruill, Reid, Johnson, Whitaker and Spiers form our branch of the committee on the public buildings and rebuilding the Capitol, and the House of Commons was informed thereof by message.

On motion of Mr. Speed, ordered that a message be sent to the House of Commons, proposing to vote immediately for Solicitor of the seventh Judicial Circuit.

Received from the House of Commons a message, agreeing to vote again for Solicitor of the 7th Judicial Circuit, and stating that Messrs. Keener and Morris form their branch of the committee to superintend the election. The Speaker announced to the Senate that Messrs. Speed and Kerr form our branch of the committee to superintend the election for solicitor of the 7th Judicial Circuit; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arrington,
Cooper,
Edwards,
Ethridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,
Faison,
Hellen,
Moore,
Speed,

MESSRS. Montgomery,
Moye,
Myers,
Ribelin,
Selby,
Shepard,
Worth—14.

FOR MR. GAITHER,

MESSRS. Clingman,
Dockery,
Hargrave,
Johnson,

MESSRS. Mangum,
Melehor,
Mitchell,
Parks—8.

Mr. Spruill voted for Mr. J. M'D. Carson.

Mr. Speed, from the joint select committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Speed,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote again immediately for Solicitor of the 7th Judicial Circuit.

On motion of Mr. Arrington, the Senate adjourned until to-morrow morning, ten o'clock.

THURSDAY, NOVEMBER 26, 1840.

Mr. Spruill presented the resignation of Willie P. Mangum, Senator from the County of Orange; which was read and accepted.

Mr. Spruill presented the following resolution, to wit:

Resolved, That the Speaker of the Senate issue a writ of election to the Sheriff of Orange county, commanding him to

hold an election at the usual places of holding elections for said county, on Thursday 3d of December next, to elect a Senator for said county, to supply the vacancy occasioned by the resignation of Willie P. Mangum.

Which was read and adopted.

Mr. Wilson presented a bill entitled a bill concerning the collection of debts by the Banks in the State; which was read the first time and passed; and on motion of Mr. Spruill, ordered to be printed.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of amending the 9th section of the 23d chapter of the Revised Statutes concerning the Comptroller.

Which was read and adopted.

Mr. Spruill presented the petition of Robert Davis, sheriff of Washington county, praying the Legislature to remit the fine incurred by him in omitting to make his return of the election for Governor within the time prescribed by law; which was, on motion of Mr. Spruill, referred to the Committee on Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred a bill entitled a bill to locate the Judges of the Superior Courts of Law and Equity within the several Judicial Districts, reported the bill without amendment, and recommended it to the favorable consideration of the Senate.

Mr. Spruill moved that the bill be laid on the table; which was agreed to.

The Speaker announced to the Senate the following Joint Select Committees:

On so much of the Governor's Message as relates to a Bank of the United States, and to an increase of the Bank capital of this State—Messrs. Bynum, Arrington and Puryear.

On so much of the Governor's Message as relates to a Penitentiary—Messrs. Gaither, Worth and Pasteur.

On so much of the Governor's Message as relates to Lunatic and Orphan Asylums—Messrs. Moore, Hellen and McDiarmid.

On so much of the Governor's Message as relates to a union of the Board of Internal Improvement and the Board for the management of the Literary Fund—Messrs. Morehead, Reid and Bond.

On so much of the Governor's Message as relates to the remonstrance of the people of the District of Columbia; the proceedings of Kentucky, New York and other States, concerning the public domain; and the Resolutions of the State of New Jersey—Messrs. Mitchell, Wilson and Albright.

On inquiring into the expediency of abolishing imprisonment for debt—Messrs. Edwards, Parks and Montgomery.

And the House of Commons was informed thereof by message.

Mr. Clingman presented a bill entitled a bill to prevent the cutting timber into the rivers of Cherokee county; which was read the first time and passed.

Received from the House of Commons a message, stating that William A. Graham having resigned his seat in their House, Robert B. Gilliam, of Granville has been appointed Speaker.

Received from the House of Commons the following resignations, to wit:

The resignation of Willie Pridgen, a Justice of the Peace for the county of Nash; Jas. B. Woodard, a Justice of the Peace for the county of Edgecomb; William Johnson, a Justice of the Peace for the county of Nash; William J. Gilliam, a Justice of the Peace for the county of Rockingham; J. C. Askew, a Justice of the Peace for the county of Buncombe; which were severally read and accepted.

The Senate took up for consideration, a bill fixing the sum hereafter to be paid for vacant lands to the State; which was, on motion of Mr. Gaither, ordered to lie on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Cooper and Selby form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that H. C. Jones and J. M. Covington form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. GWYNN,

MESSRS. Arington,
Cooper,
Hill,

MESSRS. Melvin,
McDiarmid,
Wilson—6.

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Hellen,
Houlder,
Kerr,
Moore,
Morehead,

MESSRS. Moye,
Myers,
Orr,
Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Speed,
Ward,
Whitaker,
Whitfield,
Williams—27.

FOR MR. GAITHER,

MESSRS. Clingman,
Hargrave,
Johnson,
Parks,

MESSRS. Melchor,
Mitchell,
Montgomery,
Ribelin—8.

Mr. Spruill voted for Mr. Carson.

Mr. Spruill from the joint select committee appointed to designate the time and manner of counting and comparing the votes given for Governor at the late august election—reported the following resolution, to wit:

Resolved, That the two Houses of the General Assembly shall assemble in the Commons Hall on Friday, the 4th day

of December, 1840, at 12 o'clock; that one person be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid the state of the vote and the person elected, if it shall appear that a choice has been made agreeable to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

Which was read and adopted.

Mr. Bynum presented a petition from sundry citizens of Lincolnton, praying the Legislature to repeal an act passed at the Session of 1829 and '30, entitled an act concerning the liability of certain hands in the town of Lincolnton, to work on roads; which was, on motion of Mr. Bynum, referred to the Committee on Propositions and Grievances.

On motion of Mr. Speed, the Senate took up for consideration a bill, entitled a bill to locate the Judges of the Superior Courts within the several judicial districts; which was read the second time, amended, and on motion of Mr. Shepard, ordered to lie on the table, and be printed.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, NOVEMBER 27, 1840.

Mr. Cooper, from the Joint Select Committee appointed to superintend the election of Solicitor of the 7th Judicial Circuit, reported that no one in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favour of John Marsh, of the county of Randolph, reported the same to the Senate without amendment, and recommended its passage.

The resolution was then read the second time; and, on motion of Mr. Reid, the yeas and nays were demanded.

Those who voted in the affirmative were,

MESSRS. Bond,
Dockery,
Hill,
Melchor,

MESSRS. Montgomery,
Williams,
Worth—7.

Those who voted in the negative, were:

MESSRS. Albright,
Arrington,
Clingman,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. Moore,
McDiarmid,
Morehead,
Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Spruill,
Ward,
Whitaker,
Whitfield,
Wilson—35 nays.

So the resolution was rejected.

Received from the House of Commons a message, proposing to refer the bill therewith transmitted to the Senate, entitled a bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters, to a Joint Select Committee to be composed of the representatives in both Houses from the counties of Halifax, Northampton, Bertie, Martin, Chowan, Washington, Perquimons, Pasquotank, Currituck, Camden, Gates and Hertford; which was read and agreed to—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Orr and Hargrave form our branch of the Committee to superintend the election for Solicitor of the 7th Judicial Cir-

cuit—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mills and Biggs form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker,	MESSRS. Moye,
Albright,	Orr,
Bond,	Pasteur,
Exum,	Pollock,
Hellen,	Selby,
Moore,	Speed,
Morehead,	Ward,
Montgomery,	Whitfield—16.

FOR MR. GAITHER,

MESSRS. Clingman,	MESSRS. Mitchell,
Dockery,	Myers,
Faison,	Parks,
Hargrave,	Ribelin,
Johnson,	Spruill—11.
Melchor,	

FOR MR. GWYNN,

MESSRS. Arrington,	MESSRS. Larkins,
Cooper,	Melvin,
Edwards,	McDiarmid,
Etheridge,	Reid,
Hawkins,	Sloan,
Hill,	Whitaker,
Houlder,	Williams,
Kerr,	Wilson—16.

Mr. Worth voted for T. W. Wilson.

Received from the House of Commons a message, agreeing to the proposition of the Senate to refer so much of the Governor's message as relates to the remonstrance of the people of the District of Columbia, and the pro-

ceedings of the Legislatures of the States of New York, Kentucky and other States, on the subject of the public domain, and the New Jersey resolutions, to a joint select committee of three on the part of the Senate, and four on the part of the Commons; and that Messrs. Boyden, Paine, J. T. Miller and McCollum form their branch of the committee.

Mr. Hargrave, from the joint select committee, appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Hargrave presented the following resolution, to wit:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law as to allow a compensation to jurors summoned for the purpose of assigning dower to a widow; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Dockery,

Ordered, That a message be sent to the House of Commons, proposing to vote again immediately for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again immediately for Solicitor of the 7th Judicial Circuit, and that Messrs. Patterson and Gray form their branch of the committee to superintend the election.

Whereupon the Speaker announced to the Senate, that Messrs. Myers and Melvin form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,

MESSRS. Orr,
Pollock,
Ribelin,

Exum,
Hellen,
Moore,
Morehead,
Moye,
Pasteur,

Selby,
Shepard,
Speed,
Ward,
Whitfield—17.

FOR MR. GAITHER,

MESSRS. Clingman,
Dockery,
Faison,
Hargrave,
Parks,

MESSRS Johnson,
Melchor,
Mitchell,
Montgomery,
Myers—10.

FOR MR. GWYNN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Hawkins,
Hill,
Houlder,
Kerr,

MESSRS. Larkins,
Melvin,
McDiarmid,
Reid,
Sloan,
Whitaker,
Williams,
Wilson—16.

Mr. Worth voted for Mr. Wilson.

The Senate took up for consideration the bill entitled a bill to prevent the cutting timber into the rivers of Cherokee county; which was read the second time and passed.

Mr. Melvin, from the Joint Select Committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons the pension certificate of the Court of Pleas and Quarter Sessions of the County Court of Perquimons County, in favour of Priscilla Goodwin; which was read and ordered to be countersigned by the Speaker.

On motion of Mr. Morehead, the order to countersign was reconsidered, and the certificate referred to the committee on the judiciary.

On motion of Mr. Speed,

Ordered, That a message be sent to the House of Commons, proposing to vote again for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to vote immediately for Solicitor of the 7th Judicial Circuit; and that Messrs. Keener and Bannerman form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Hellen and Whitaker form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker,	MESSRS. Moye,
Albright,	Orr,
Bond,	Pastuer,
Dockery,	Pollock,
Hawkins,	Ribelin,
Hellen,	Selby,
Houlder,	Shepard,
Moore,	Speed,
Morehead,	Spruill,
Whitfield,	Ward—20.

FOR MR. GAITHER,

MESSRS. Clingman,	MESSRS. Melchor,
Faison,	Mitchell,
Hargrave,	Myers,
Johnsen,	Parks—8.

FOR MR. GWYNN,

MESSRS. Arrington,	MESSRS. Larkins,
Cooper,	Melvin,
Edwards,	McDiarmid,
Etheridge,	Reid,
Exum,	Whitaker,
Hill,	Williams,
Kerr,	Wilson—14.

Mr. Worth voted for Mr. Wilson.

Mr. Whitaker, from the joint select committee appoint-

ed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Moore presented the following resolution, to wit:

Resolved, That the counting room in the old Treasury building be appropriated during this session of the General Assembly, to the sitting of the Committee on abolishing imprisonment for debt; the Committee on Propositions and Grievances of the Senate; and the joint select Committee on Lunatic and Orphan Asylums.

Which was read and adopted.

Received from the House of Commons the following resignations: John Allau, a Justice of the Peace for the county of Burke; Hugh Watson, a Justice of the Peace for the county of Rutherford; Jas. W. Stockton, a Justice of the Peace for the county of Iredell; which were severally read and accepted.

On motion of Mr. Edwards,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Solicitor of the 7th Judicial Circuit.

Received from the House of Commons a message, agreeing to vote again immediately for Solicitor of the 7th Judicial Circuit—and that Messrs. Beall and Kerr form their branch of the committee to superintend the election; and stating that William E. Mills is in nomination for that office.

The Speaker announced to the Senate, that Messrs. Parks and Etheridge form our branch of the committee to superintend the election of Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by Message.

The Senate then voted as follows, to wit:

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,

MESSRS. Moore,
Montgomery,
Moye,

Clingman,
Dockery,
Faison,
Hargrave,
Hawkins,
Hellen,
Johnson,

Myers,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spruill—20.

FOR MR. GAITHER,

MESSRS Melchor,
Mitchell—2.

FOR MR. GUYNN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum.
Hill,
Houlder,
Kerr;
Larkins,
Melvin,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—19.

On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, NOVEMBER 28, 1840.

Received from the House of Commons a message, proposing that the two Houses vote this day at 11 o'clock for Solicitor of the 1st Judicial Circuit; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Moyer and Houlder form our branch of the committee to superintend the election of Solicitor for the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

Mr. Parks, from the Joint Select Committee appointed

to superintend the election for Solicitor of the 7th Judicial Circuit, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Melchor presented a bill entitled a bill to incorporate the Concord Manufacturing Company; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Paine, Clegg and Poindexter form their branch of the committee to inquire into the expediency of abolishing imprisonment for debt.

On motion of Mr. Reid,

Ordered, That a committee of five members be appointed on private bills.

Received from the House of Commons a message, proposing to raise a joint select committee of five on the part of each House, to inquire into the causes of the suspension of the Banks of this State; their operations during suspension; and when they intend to resume specie payments; and that the said committee have power to send for persons and papers; which was read and concurred in.

On motion of Mr. Speed,

Ordered, That a message be sent to the House of Commons, proposing to vote this day at 12 o'clock for Solicitor of the 7th Judicial Circuit.

On motion of Mr. Wilson, the bill concerning collection of debts of the Banks of this State was taken up, and referred to the committee on the Judiciary.

Received from the House of Commons a message, proposing to refer the memorial therewith transmitted to the Senate, to the joint select committee to whom the bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers is referred; which was read and agreed to.

Received from the House of Commons a message, transmitting to the Senate the message of his Excellency the Governor, with the Report of the President and Directors of the Literary Fund, and all the accompanying documents; and proposing they be printed; and further proposing to refer them to a joint select committee of five on the part of each House; and that the joint select committee of two on the part of each House, heretofore raised on the subject of the State's title to the swamp lands, form a part of said committee; which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. Wilson and Proctor form their branch of the committee to superintend the election of Solicitor of the first Judicial Circuit; and that they will commence voting on return of the messenger; and further stating that David Outlaw is in nomination for the appointment.

The Senate then voted as follows, to wit:

FOR MR. OUTLAW,

MESSRS.	Speaker,	MESSRS.	Mitchell,
	Albright,		McDiarmid,
	Bond,		Moore,
	Cooper,		Morehead,
	Bynum,		Montgomery,
	Clingman,		Moye,
	Dockery,		Myers,
	Edwards,		Orr,
	Etheridge,		Parks,
	Exum,		Pasteur,
	Faison,		Pollock,
	Gaither,		Ribelin,
	Hargrave,		Selby,
	Hawkins,		Spruill,
	Hellen,		Ward,
	Hill,		Whitaker,
	Houlder,		Whitfield,
	Johnson,		Wilson
	Kerr,		Shepard,
	Larkins,		Speed,
	Melchor,		Spiers,
	Melvin,		Worth—44.

Mr. Reid voted blank, and Mr. Williams voted for Mr. Reid.

Received from the House of Commons a message, stating that they have adopted the accompanying resolution, reported by the joint select committee appointed to make the arrangement, and prescribe the time for the assembling of the two Houses to compare the votes given at the late election for Governor of the State; in which they ask the concurrence of the Senate.

Resolved, That the two Houses of this General Assembly shall assemble in the Hall of the House of Commons on Friday the 4th day of December, 1840, at 12 o'clock; that one person be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made agreeably to the constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and, together with a list of the votes, shall be entered on the Journals of the two Houses.

Which was read and agreed to.

Mr. Clingman, from the committee on Internal Improvement, to whom was referred so much of the Governor's message as relates to a turnpike road from Raleigh to the West, reported a bill, entitled "a bill to authorise the construction of the Raleigh and Western Turnpike Road;" which was read the first time and passed, and, on motion of Mr. Clingman, ordered to lie on the table and be printed.

The Senate took up for consideration a bill to locate the Judges of the Superior Courts within the several Judicial Circuits; which was read the second time, and, on motion of Mr. Clingman, was amended and passed.

Mr. Moya, from the joint select committee appointed to superintend the election for Solicitor of the First Judicial Circuit, reported that Mr. Outlaw had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Senate took up for consideration the bill entitled "a bill to prevent the cutting timber into the rivers of Cherokee county;" which was read the third time and passed, and ordered to be engrossed.

Mr. Etheridge presented a bill to authorise Isaac Baxter, late Sheriff of the county of Currituck, to collect the arrears of taxes due him in said county; which was read the first time and passed, and, on motion of Mr. Etheridge, referred to the Committee on the Judiciary.

Mr. Moore presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of legislative provisions to prevent the betting on elections.

Which was read and adopted.

On motion of Mr. Worth,

Ordered, That the Speaker fill the vacancy on the Committee of Education and the Literary Fund, occasioned by the resignation of Willie P. Mangum.

On motion of Mr. Morehead, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, Nov. 30, 1840.

The Speaker announced to the Senate that Messrs. Reid, Montgomery, Orr, Parks and Spiers form the committee on private bills. He also announced the following joint select committees on the part of the Senate to inquire into the causes of the late suspension by the Banks in this State, their operations since, and when they intend to resume specie payments—Messrs. Gaither, Hawkins, Dockery, Pasteur and Albright.

On the Report of the President and Directors of the Literary Fund—Messrs. Hellen, Bynum, Arrington, Puryear and Hill.

Mr. Mitchell is added to the Committee on Education and the Literary Fund.

Mr. Morehead presented a bill "entitled a bill concerning fines and costs;" which was read the first time and passed; and, on his motion, was referred to the committee on the judiciary.

Mr. Hellen presented the memorial of Thos. H. Blount, collector of the customs for the District of Washington, North Carolina, praying the Legislature to pass an act vesting in the United States the right to four acres of land; which, on motion of Mr. Hellen, was referred to the committee on the judiciary.

Mr. Ward presented a bill entitled a bill to alter the time of holding the county courts of Lincoln; which was read the first time and passed.

Mr. Bynum presented a bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company; which was read, and on motion of Mr. Reid, referred to the committee on private bills.

Mr. Speed presented the following resolution:

Resolved, That the College of Electors for President and Vice President of the United States, be invited to hold their session in the Senate Chamber; and that the Speaker appoint a committee of two to tender the invitation.

Which was read and adopted.

Mr. Williams presented the resignation of Isaac Satterfield, a justice of the peace for the county of Person; which was read and accepted, and sent to the House of Commons.

Mr. Spruill presented the following resolution:

Resolved, That the Committee on Internal Improvement be instructed to inquire and report what action the Legislature should take with regard to opening an inlet at Nags' Head.

Which was read and adopted.

The Senate took up for consideration the bill entitled a bill to incorporate the Concord Manufacturing Company; which was, on motion of Mr. Melchor, referred to the committee on private bills.

Mr. Myers presented the following resolution:

Resolved, That so much of the message of his Excellency the Governor as relates to the construction of a Rail Road and Turnpike, flanking South Carolina from the head of tide water on Cape Fear, westward, be referred to the Committee on Internal Improvements, with instructions to inquire into the expediency of making an appropriation for a survey to ascertain the practicability of said Road; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote on Tuesday next at 11 o'clock for Attorney General; and that James Iredell and John R. J. Daniel are in nomination for that office; which was read and agreed to.

On motion of Mr. Moore, Hugh McQueen was added to the nomination for the appointment of Attorney General.—and the House of Commons was informed thereof by message.

Whereupon Messrs. Orr and Montgomery were appointed to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate took up for consideration the bill entitled a bill to locate the Judges of the Superior Courts within the several Judicial Districts; which was read the third time and passed, yeas 34, nays 12. The yeas and nays were demanded by Mr. Morehead.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Montgomery,
McDiarmid,
Moye,
Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—34

Those who voted in the negative, were

MESSRS. Albright,
Dockery,
Hellen,
Melchor,
Mitchell,
Morehead,

MESSRS. Moore,
Myers,
Orr,
Parks,
Ribelin,
Worth—12.

The bill was then ordered to be engrossed.

Mr. Mitchell presented a bill entitled a bill to protect the interest of lessors; which was read the first time and

passed; and, on motion of Mr. Clingman, was referred to the committee on the judiciary.

Received from the House of Commons a message, proposing to vote immediately for Solicitor of the 7th Judicial Circuit; which was read and agreed to.

On motion of Mr. Mitchell, the name of Mr. Gaither was withdrawn from the nomination for the appointment of Solicitor for the 7th Judicial Circuit; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Worth and Hill form our branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Brummell and Stallings form their branch of the committee to superintend the election for Solicitor of the 7th Judicial Circuit; and that the name of William E. Mills is withdrawn from the nomination.

The Senate then voted as follows:

FOR MR. BYNUM,

MESSRS. Speaker,
Albright,
Bond,
Clingman,
Dockery,
Faison,
Gaither,
Hargrave,
Hellen,
Melchor,
Mitchell,
Moore,

MESSRS. Montgomery,
Morehead,
Moye,
Myers,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Worth—24.

FOR MR. GWYNN,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hawkins,
Hill,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,

Houlder,
Kerr,
Larkins,
Melvin,

Whitfield,
Whitaker,
Williams,
Wilson—22.

Mr. Morehead presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws of partition, so as to authorise Courts of Equity to decree moneys arising from the sale of lands of infants and feme coverts, to be paid over to guardians and husbands, as personal estate, when the sums decreed to be paid over shall not exceed a certain sum; and that said committee have leave to report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the resolutions assigning the rooms in the capitol and for other purposes, therewith transmitted to the Senate, reported from the Joint Select Committee raised to assign the rooms in the capitol, be re-committed; and that the committee be enlarged by adding three from each House; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Morehead, Bond and Williams are added on our part to the Joint Select Committee to whom has been re-committed the resolutions in relation to assigning the rooms in the capitol—and the House of Commons was informed thereof by message.

Mr. Hellen presented the following resolution, to wit:

Resolved, That the Librarian be directed to prepare a catalogue of the Books in the State Library and Executive Office; and that the same be printed and distributed as other public documents.

Which was read and adopted.

Mr. Shepard presented the petitions of sundry citizens on Albemarle Sound, praying the Legislature that no further legislative action should be had on their fisheries; which were, on motion of Mr. Shepard, referred so the committee raised on the subject of the petitions.

Mr. Worth, from the joint select committee appointed to superintend the election for Solicitor of the 7th Judicial Circuit, reported that Mr. Bynum having received a majority of the whole number of votes given, was duly elected—in which report the Senate concurred.

The Senate took up for consideration the bill entitled a bill fixing the price hereafter to be paid to the State for vacant lands; which was read the second time and rejected.

Mr. McDiarmid presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the laws respecting vagrants, so as to substitute some other punishment for hiring; and to prohibit the hiring of any white person for any offence whatsoever—and that they report by bill or otherwise.

Which was read and adopted.

Mr. Spruill presented a bill “entitled a bill to prevent the issuing of writs of *capias ad satisfaciendum* in certain cases;” which was read the first time and passed, and, on motion of Mr. Spruill, was referred to the Committee on the Judiciary.

Mr. Clingman presented the following resolution:

Resolved, That the Governor be authorised to employ counsel to defend the titles of the purchasers of the lands in Cherokee county, who have been or may be sued by persons claiming Indian reservations; and that he be also authorised to employ an agent to collect evidence in behalf of those claiming under the State; and that he be empowered to draw from the Treasury such sum of money as he may deem necessary.

Which was read the first time and passed.

The Speaker announced to the Senate that Messrs. Speed and Ward form the committee to tender to the College of Electors to vote for President and Vice President of the United States, the Senate Chamber in which to hold their session, under the resolution adopted on this subject.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, DEC. 1, 1840.

Mr. Moyer presented the memorial and documents of James Harper, contesting the seat of James B. Whitfield, Senator of the 17th Senatorial District; which were read, and, on motion of Mr. Moyer, referred to the Committee on Privileges and Elections.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred a bill to exempt all white males who have not attained to the full age of twenty-one years, from military duty, except in cases of insurrection and invasion, reported the same without amendment, and recommended its rejection; which was read the second time. Mr. McDiarmid proposed an amendment thereto. On motion of Mr. Wilson, the bill and amendment were ordered to lie on the table.

Mr. Clingman, from the Joint Select Committee on Cherokee Lands, to whom was referred the bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, reported the same with an amendment; which was read, and on motion of Mr. Bynum, ordered to lie on the table.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred a resolution instructing them to inquire into the expediency of compelling militia officers to hold their commissions four years, and exempting them from military duty thereafter, reported a bill entitled a bill to compel the militia officers to hold their commissions three years; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Hoke, Moore, J. P. Caldwell, J. Walker and Wadsworth, form their branch of the committee on the suspension of specie payments by the Banks, &c.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill to authorise Isaac Baxter, late sheriff of the county of Currituck, to collect the ar-

rears of taxes due him in said county, reported unfavorably to the passage of the bill, and recommended its rejection; which was read the second time, and rejected accordingly.

Mr. Shepard introduced a bill entitled a bill to purchase a library; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. McClenehan and Munroe form their branch of the committee to superintend the election of Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hargrave,
Hawkins,
Hill,
Reid,
Ward,
Whitfield,
Houlder,

MESSRS. Kerr,
Larkins,
Melvin,
McDiarmid,
Orr,
Pasteur,
Pollock,
Sloan,
Whitaker,
Williams,
Wilson—23.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,
Faison,

MESSRS. Gaither,
Morehead,
Spiers—7.

FOR MR. McQUEEN,

MESSRS. Albright,
Dockery,
Hellen,
Melchor,
Moore,
Montgomery,
Moye,
Myers,

MESSRS. Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Worth—15.

FOR MR. B. F. MOORE,

MESSRS. Bynum,
Mitchell—2.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: A bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; resolution for the relief of Thomas Faison and others; in which they ask the concurrence of the Senate.

The above named bill was read the first time and passed. The first resolution was read the first time and passed; and the last named resolution was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on Propositions and Grievances.

Mr. Orr, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

Mr. Albright presented the following resolution, to wit:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of amending the law concerning guardains and their securities, so as to release guardian's securities from liability for their bonds after the Court may have ordered the funds to be removed into other hands, and the same having been done; and that they report by bill or otherwise.

Which was read and adopted.

The Senate took up for consideration the bill, entitled "a bill to alter the time of holding the County Courts of Lincoln;" which was, on motion of Mr. Bynum, ordered to lie on the table.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.

Mr. Mitchell, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of legislative provisions to prevent the betting on elections, reported a bill entitled a bill to prevent betting on elections; which was read the first time and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law so as to make compensation to jurors summoned to lay off and assign dower to widows, reported that it was inexpedient to legislate on the subject; in which report the Senate concurred.

The Speaker announced to the Senate, that Mr. Spruill is appointed teller on the part of the Senate to make a list of the votes as they shall be declared, given at the late election for Governor of this State—and the House of Commons was informed thereof by message.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the pension certificate of Priscilla Goodwin, reported the following resolution, to wit:

Resolved, That sixty dollars a year, for the years 1839 and 1840, the sum heretofore allowed Priscilla Goodwin, in pursuance of the certificates of the County Court of Perquimons, be allowed said Priscilla, out of any money in the Treasury not otherwise appropriated.

Which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote again immediately for Attorney General, and stating that Messrs. Brower and Howerton form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Williams and Reid form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arington,
Cooper,
Edwards,
Etheridge,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,

Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—22.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,
Faison,

MESSRS. Gaither,
Morehead,
Moye,
Spiers—8.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Dockery,
Moore,
Montgomery,
Myers,
Parks,
Hargrave,

MESSRS. Hellen,
Melchor,
Ribelin,
Selby,
Shepard,
Speed,
Worth—15.

Mr. Mitchell voted for Mr. B. F. Moore.

Mr. Pasteur presented the following resolutions:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of amending the 51st section of the Militia Law, as regards the number requisite to constitute a volunteer company.

Resolved, That so much of the message of his Excellency the Governor as relates to an Arsenal at Newbern, be referred to the Committee on Military Affairs.

Which were read and adopted.

Mr. Reid, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Reid,

Ordered, That a message be sent to the House of Commons, proposing to vote again for Attorney General.

The Senate took up for consideration a resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county; which was read the second time, and on motion of Mr. Shepard, referred to the Committee on the Judiciary.

Mr. Speed introduced the following resolution:

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the expediency of so amending the act providing for the appointment of electors for President and Vice President of the United States, as to compel the Governor to compare the returns from the several counties of the State, and issue his summons to the persons chosen as electors, at an earlier day than now required by the above recited act.

Which was read and adopted.

Received from the House of Commons a message, agreeing to vote again immediately for Attorney General; and that Messrs. Jacobs and J. Walker form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Moyer and Pollock form our branch of the committee to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum.
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—22.

FOR MR. M&QUEEN,

MESSRS. Albright,
Dockery,
Hargrave,
Hellen,
Melchor,
Myers,
Montgomery,

MESSRS. Moore,
Parks,
Ribelin,
Selby,
Shepard,
Spruill,
Worth—14.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,
Faison,

MESSRS. Gaither,
Morehead,
Moye,
Spiers—8.

FOR MR. B. F. MOORE,

MESSRS. Mitchell,
Bynum—2.

Mr. Gaither introduced a bill entitled a bill concerning clerks, sheriffs, and constables; which was read the first time and passed, and on motion of Mr. Gaither, referred to the Committee on the Judiciary.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DECEMBER 2, 1840.

Mr. Whitfield introduced the petition of Jesse W. Moore, of Green county, praying the Legislature to compensate him for certain military service; which was read, and, on motion of Mr. Whitfield, referred to the Committee on Military Affairs.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill entitled a bill to incorporate the Concord Manufacturing Company, reported the bill to the Senate, and asked to be discharged from the further consideration of the subject. The bill was then ta-

ken up, and made the order of the day for Thursday next.

Mr. Moyer, from the joint select committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

The Senate took up for consideration the resolution in favor of Priscilla Goodwin; which was read the second time and passed.

The Senate then took up for consideration the bill entitled a bill to prevent betting on elections; which was read the second time and postponed until to-morrow.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning, ten o'clock.

THURSDAY, DEC. 3, 1840.

Received from the House of Commons a message, stating that Messrs. Moore, Spruill and Eaton are added to the committee heretofore raised to assign the rooms in the Capitol.

Received from the House of Commons a message, proposing that the report of the President of the Raleigh and Gaston Rail Road Company, therewith transmitted to the Senate, be printed; which was read and concurred in.

Received from the House of Commons a message, transmitting the Adjutant General's report to the Senate, proposing to print it, and refer it to the Committee on Military Affairs; which was read and concurred in.

The Senate took up for consideration the bill, entitled a bill to incorporate the Concord Manufacturing Company; which was read the second time, and, on motion of Mr. Reid, amended and passed.

The Senate then took up for consideration, the resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; which was read the second time and passed.

The Senate also took up for consideration the bill, entitled a bill to purchase a Library; which was read the second time and rejected.

Mr. Wilson moved that the vote on the above bill be re-

considered; which was agreed to. The bill was then read, and, on motion of Mr. Spruill, amended and passed—yeas 39—nays 8.

The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Hill,
Johnson,
Kerr,
Larkins,
Melchor,
Mitchell,

MESSRS. McDiarmid,
Montgomery,
Moore,
Morehead,
Moye,
Myers,
Parks,
Pastuer,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Ward,
Whitaker,
Williams,
Wilson,
Worth—39.

Those who voted in the negative were,

MESSRS. Exum,
Houlder,
Melvin,
Orr,

MESSRS. Pollock,
Reid,
Ribelin,
Whitfield—8.

Mr. Hill introduced the memorial of the President and Directors of the Wilmington and Raleigh Rail Road Company, praying the Legislature to grant them a loan or the credit of the State for \$300,000; which was read, and, on motion of Mr. Hill, referred to the committee on Internal Improvement.

The Senate took up for consideration the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; which was read the second time and passed.

The Senate then took up for consideration the resolution in favor of Priscilla Goodwin; which was read the third time and passed, and ordered to engrossed.

The Senate also took up for consideration the bill, entitled a bill to prevent betting on elections; which was read the third time, and, on motion of Mr. Morehead, amended and passed—yeas 29, nays 16. The yeas and nays were demanded by Mr. Williams.

Those who voted in the affirmative, were,

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Dockery,
Edwards,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Larkins,
Mitchell,
Moore,
Morehead,

MESSRS. Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Selby,
Speed,
Spiers,
Spruill,
Whitaker,
Whitfield,
Wilson
Worth—29.

Those who voted in the negative, were

MESSRS. Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Johnson,
Kerr,
Melchor,

MESSRS. Melvin,
McDiarmid,
Montgomery,
Reid,
Ribelin,
Sloan,
Ward,
Williams—16.

Ordered that said bill be engrossed.

On motion of Mr. Cligman, the Senate took up for consideration the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was read the second time and amended, on motion of Mr. Clingman, and, on motion of Mr. Shepard, postponed until Tuesday next.

Received from the House of Commons a message, pro-

posing that the two Houses vote immediately for Attorney General; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Pollock and Faison form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Russell and Thomson form their branch of the committee to superintend the election for Attorney General—and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—22.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Dockery,
Hargrave,
Hellen,
Johnson,
Melchor,
Moore,
Montgomery,

MESSRS. Myers,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Worth—17.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,
Faison,

MESSRS. Gaither,
Morehead,
Moye,
Spiers—8.

FOR MR. MOORE,

Mr. Mitchell,

Mr. Shepard introduced a memorial of sundry citizens of the county of Perquimons, praying the Legislature to restrain by law, the common practice of retailing spiritous liquors; which was read, and on his motion, referred to the committee on the Judiciary.

Mr. Gaither introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law that each Justice of Peace shall be provided with one copy of the first volume of the revised statutes of North Carolina, and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow, at half past ten o'clock, for Colonel Commandant of Cavalry attached to the 16th Brigade of Militia—and that Horace L. Robards is in nomination for the appointment; which was read and concurred in.

On motion of Mr. Moorehead, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, DECEMBER 4, 1840.

Received from the House of Commons a message, stating that Messrs. Allen, Mills and Munday form their branch of the committee in connexion with the Joint Select Committee on the title to Swamp Lands, to whom is referred the message of his Excellency the Governor, and the report of the President and Directors of the Literary Fund.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill concerning fine and costs,

reported the bill with an amendment; which was read and ordered to lie on the table.

Mr. Exum asked to be excused from serving on the Committee on Privileges and Elections; and he was excused accordingly.

The Speaker announced to the Senate that Messrs. Johnson and Kerr form our branch of the Committee to superintend the election of Colonel Commandant of the cavalry attached to the 16th Brigade of Militia—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Morris and Farrow form their branch of the committee to superintend the election of Colonel Commandant of cavalry attached to the 16th brigade of militia; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ROBARDS,

MESSRS Speaker,
Albright,
Arrington,
Bond,
Clingman,
Dockery,
Etheridge,
Edwards,
Exum,
Gaither,
Hargrave,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Larkins,
Melchor,
Melvin,
Mitchell,
Morehead,

MESSRS. Moore,
Montgomery,
Moye,
Myers,
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Ward,
Whitaker,
Whitfield,
Wilson,
Faison,
Worth—41.

FOR MR. OWEN,

MESSRS. Cooper,
Kerr,
Williams—3.

FOR MR. EATON,

Mr. Bynum—1.

Mr. Faison, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.

Mr. Kerr, from the Joint Select Committee appointed to superintend the election for Colonel Commandant of cavalry attached to the 16th brigade of militia, reported that Mr. Robards, having received a majority of the votes given, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, agreeing to vote immediately for Attorney General; and that Messrs. Clegg and Killian form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Gaither and Reid form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Hargrave,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Mitchell,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Dockery,
Hellen,
Johnson,
Melchor,
Moore,
Montgomery,

MESSRS. Parks,
Myers,
Purveyor,
Ribelin,
Selby,
Shepard,
Spruill,
Worth—16.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,
Faison,
Morehead,

MESSRS. Gaither,
Moye,
Speed,
Spiers—9.

Mr. Bynum presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law relating to witnesses in State Cases, as to provide, in all indictments for misdemeanors, the prosecutor shall not be entitled to any compensation for his attendance as witness.

Which was read and adopted.

Mr. Gaither, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the memorial of Thomas H. Blount, Collector of the customs at Washington, N. C., reported a bill entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island to the United States, and recommended its passage; which was read the first time and passed.

The Senate took up for consideration the bill entitled a bill to incorporate the Concord Manufacturing Company; which was read the third time and passed, and ordered to be engrossed.

Also, the engrossed resolution authorising the removal of the map of the Cherokee lands from the county of Macon to the county of Cherokee; which was read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution respecting the sale of land held by tenants in common, reported a bill entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the first time and passed.

Mr. Bynum presented the memorial of the Raleigh and Gaston Rail Road Company, praying the Legislature to grant them such relief as they may deem sufficient and consistent with the interest of the State; which was read, and on motion of Mr. Bynum, referred to the Committee on Internal Improvement.

The Senate took up for consideration the bill entitled a bill to purchase a Library; which was read the third time, and on motion of Mr. Albright, amended and passed, and ordered to be engrossed.

Also, the bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.; which was read the third time, and on motion of Mr. Spruill, referred to the Committee on the Judiciary.

And the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the second time, and ordered to lie on the table.

Received from the House of Commons the resignation of Charles R. Eaton, as Colonel Commandant of the cavalry attached to the 16th brigade of North Carolina militia; which was read and accepted.

Mr. Shepard presented a communication from the Hon. William Gaston, relative to repairing the statue of Washington; which was read, and on motion of Mr. Shepard, sent to the House of Commons, proposing to refer it to a Joint Select Committee of three on the part of each House.

Received from the House of Commons a message, stating that Messrs. Mendenhall and Reid form their branch of the Committee to superintend the making a list of votes given for Governor. The Commons are now ready to receive the Senate into their hall, that in General Convention of the Legislature they may execute the joint order heretofore agreed on to be done this day; which was read.

The Senate then repaired to the House of Commons.

The counting of votes according to the joint resolution of the two Houses having been concluded, Mr. Spruill, in behalf of the Tellers of both Houses, reported.

Mr. Speaker Joyner then made the following announcement, to wit:

*Gentlemen of the Senate and of
the House of Commons:*

The returns of votes given at the late election for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly. The Tellers appointed by the two Houses to examine the returns, and to make a list of the votes, have reported that forty-four thousand four hundred and eighty-four votes were given for Mr. John M. Morehead, of the county of Guilford, being the highest number given for any person; that thirty-five thousand nine hundred and three votes were given for Romulus M. Saunders; and that five hundred and twenty-five votes were given, in the county of Currituck, for R. M. Saunderson.

No objection having been made to the said report, I declare that John M. Morehead is duly elected Governor of the State of North Carolina for two years from the first of January next.

The following is a statement of the votes for Governor of the State, as reported by the Tellers of the two Houses:

<i>Counties.</i>	<i>Morehead.</i>	<i>Saunders.</i>
Anson,	1100	422
Ashe,	501	534
Bertie,	483	468
Bladen,	329	451
Brunswick,	352	247
Beaufort,	846	363
Burke,	1555	367
Buncombe,	1335	547
Cabarrus,	840	395
Camden,	520	91
Carteret,	442	287
Caswell,	270	1137
Chatham,	1075	603
Cherokee,	292	130

<i>Counties.</i>	<i>Morehead.</i>	<i>Saunders.</i>
Chowan,	292	203
Columbus,	242	288
Craven,	671	643
Cumberland,	621	952
Currituck,	90	525 Informal.
Davidson,	1409	470
Davie,		
Duplin,	234	766
Edgecomb,	1298	111
Franklin,	383	636
Granville,	873	760
Gates,	381	392
Greene,	308	258
Guilford,	2211	469
Halifax,	622	446
Haywood,	438	242
Henderson,		
Hertford,	394	231
Hyde,	485	179
Iredell,	1663	331
Johnston,	569	617
Jones,	212	121
Lenoir,	264	386
Lincoln,	933	2056
Macon,	433	203
Martin,	244	574
Mecklenburg,	984	1201
Montgomery,	1102	139
Moore,	560	517
Nash,	73	782
New-Hanover,	200	899
Northampton,	543	519
Onslow,	150	683
Orange,	1662	1549
Pasquotank,	660	222
Perquimons,	494	124
Person,	274	553
Pitt,	625	519
Randolph,	1287	346
Richmond,	672	79
Robeson,	601	568
Rockingham,	533	1000
Rowan,	1622	874
Rutherford,	1652	546

<i>Counties.</i>	<i>Morehead.</i>	<i>Saunders.</i>
Sampson,	472	723
Stokes,	1163	1190
Surry,	1130	984
Tyrrell,	422	44
Wake,	1030	1157
Warren,	88	705
Washington,	379	95
Wayne,	262	777
Wilkes,	1424	128
Yancy,	392	417

Upon the invitation of the Speaker of the Senate, the Senators returned to the Senate Chamber.

Then, on motion of Mr. Dockery, the Senate took up for consideration the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the second time and passed.

On motion of Mr. Speed, the Committee of Privileges and Elections were permitted to sit during the sitting of the Senate.

On motion of Mr. Clingman, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, DEC. 5, 1840.

Mr. Spruill presented the following resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing that a committee of one on the part of the Senate, and two on the part of the House of Commons, be appointed to wait on John M. Morehead, and inform him of his election as Governor of North Carolina, for two years from the first day of January next, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly, and take the oaths of office.

Which was read and adopted.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Governor be requested to report to this General Assembly, the whole amount of property received by the University of North Carolina, from its establishment in 1789, to this time—designating what kind of property received, whether of money, personal or real estate—from what source received, whether by subscription, legacy, donation or otherwise; and particularly, what amount and description of property received under the second section of said act, giving to said University “all the property that has heretofore or shall hereafter escheat to the State,” and the expense incurred, and to whom paid, in managing, selling and collecting the funds arising therefrom—the number and condition of buildings erected—the number of Professors—and whether any addition is required to either; also, the amount of property or funds belonging to the University at this time.

Resolved further, That the Judiciary Committee inquire into the expediency of repealing the second section of the act giving to the University the property which may hereafter escheat to the State.

Which were read and adopted.

Mr. Wilson presented a bill entitled a bill concerning the Banks established, and those which may hereafter be established in this State; which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary.

The Senate took up for consideration the bill entitled a bill to compel militia officers to hold their commissions three years; which was read the third time, and on motion of Mr. Morehead, amended and passed, and ordered to be engrossed.

On motion of Mr. Morehead, the Senate took up for consideration the bill concerning fines and costs. The amendment reported by the Committee on the Judiciary was adopted. The bill was then read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Attorney General; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Mitchell and Arrington form our branch of the committee to superintend the election of Attorney General; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stat-

ing that Messrs. J O'K. Williams and Brannoe form their branch of the committee to superintend the election for Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Johnson,
Kerr,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Dockery,
Hellen,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Worth—16.

FOR MR. IREDELL,

MESSRS. [Speaker,
Bond,
Clingman,
Faison,
Gaither,

MESSRS. Moye,
Speed,
Spiers,
Spruill—9.

Received from the House of Commons a message, proposing that the Standing Committee on Education of the two Houses be made a joint committee; which was read and concurred in.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of five on the part of each House, to inquire into the necessity of hold-

ing an extra session of the General Assembly, to legislate on the subject of the apportionment of representation in the General Assembly, under the amended Constitution of the State; and that they be instructed to report by resolution; which was read and agreed to.

Mr. Mitchell presented a bill entitled a bill to amend an act for the better regulation of the town of Wilkesboro'; which was read the first time and passed, and on his motion, referred to the Committee on the Judiciary.

On motion of Mr. Clingmen, the Senate took up for consideration the bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; which was read the third time and passed, and ordered to be engrossed.

Mr. Mitchell, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person in nomination had received a majority of the whole number of votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Attorney General.

Mr. Spruill presented the following resolution:

Resolved, That the Public Treasurer be directed to ascertain and report to this General Assembly the number of copies of the Revised Statutes now unsold; and at what places they are deposited for sale; the amount of the number of copies that have been sold; where, and at what prices; and what disposition has been made of the funds that have arisen from the sales of the Revised Statutes.

Which was read and adopted.

The Senate took up for consideration the bill, entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island, to the United States; which was read the second time, and, on motion of Mr. Hellen, amended and passed.

Mr. Whitaker presented the following resolution: to wit:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law relative to the appointment of Coroners, as to raise their fees when called on to hold an inquest over a dead body; and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Morehead, the Senate took up for consideration the bill, entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote again immediately for Attorney General—and that John W. Covington and Herring form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Speed and Hill form our branch of the committee to superintend the election for Attorney General—and the House of Commons was informed thereof by message

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Johnson,
Kerr,
Melvin,
Mitchell,
Orr,

MESSRS. Pasteur,
Pollock,
Reid,
Sloan,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

FOR MR. McQUEEN,

MESSRS. Albright,
Dockery,
Hellen,
Melchor,
McDiarmid,
Moore,
Morehead,

MESSRS. Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Worth—14.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,

MESSRS. Gaither,
Moye,
Speed,
Spiers—9.

On motion of Mr. Hellen, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, DECEMBER 7, 1840.

The Speaker announced to the Senate that Messrs. Shepard, Orr, Dockery, Clingman and Pasteur form the Joint Committee on the part of the Senate to inquire into the necessity of an extra session of the General Assembly.

Mr. Reid is added to the committee of privileges and elections, in the place of Mr. Exum excused.

Mr. Spruill, from the Committee on Finance, to whom was referred a resolution instructing them to inquire into the expediency of amending the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller, reported a bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes concerning the Comptroller; which was read the first time and passed.

Mr. Speed, from the Joint Select Committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions; in which they ask the concurrence of the Senate.

A bill to provide for the more convenient administration of justice in the counties of Warren and Franklin.

A bill for the more convenient administration of justice in the county of Burke.

Resolution concerning the apartments in the Capitol;

and a Resolution in favor of Robert Woodsides, Sheriff of the county of Brunswick.

The above named bills and resolutions were severally read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the communication from the Hon. William Gaston, on the subject of repairing the statue of Washington, to a Joint Select Committee of three on the part of each House; and that Messrs. H. C. Jones, Guthrie and Proctor form their branch of the committee.

Received from the House of Commons a message, stating that they have passed the engrossed bill to fix the location of the town of Hendersonville; in which they ask the concurrence of the Senate. The bill was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a Joint Select Committee of one on the part of the Senate and two on the part of the House of Commons, to wait upon J. M. Morehead and inform him of his election as Governor of North Carolina, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office; and that Messrs. Brummell and Cadwallader Jones form their branch of the committee.

The Speaker announced to the Senate that Mr. Spruill is appointed on the part of the Senate to wait on the Governor elect; and the House of Commons was informed thereof by message.

On motion of Mr. Clingman, Hugh Waddell, Senator elect for the county of Orange, appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, transmitting to the Senate the message of his Excellency the Governor, and the communication from the Hon. George E. Badger, proposing to refer to a Joint Select Committee of four on the part of each House; which was read and concurred in.

The Senate took up for consideration the bill, entitled a bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island to the United States; which was read the third time and passed, and ordered to be engrossed.

And the bill entitled a bill concerning fines and costs; which was read the third time and passed, and ordered to be Engrossed.

Received from the House of Commons the resignation of Christian Sink, a Justice of the Peace for the county of Davidson; which was read and accepted.

The Senate took up for consideration the bill, entitled a bill to provide for the distribution of the proceeds of land sold for partition, in certain cases; which was read the third time, and, on motion of Mr. Morehead, postponed until to-morrow.

Mr. Spruill presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire and report what amendments are necessary to be made to the laws relating to the Sheriff's returns of the Governor's election.

Which was read and adopted.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to prevent the issuing of writs of *capias ad satisfaciendum* in certain cases, reported the bill to the Senate, and recommended its rejection. The bill was then read the second time, and on motion of Mr. Spruill, laid on the table.

On motion of Mr. Cooper, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, DEC. 8, 1840.

The Speaker announced to the Senate, that Messrs. Shepard, Moore, and Kerr, form the Joint Select Committee on the part of the Senate to whom was referred the communication of Judge Gaston, relating to the statue of Washington.

Messrs. Waddell, Arrington, Clingman and Hill, form the Joint Select Committee on the part of the Senate, to whom is referred the communication of Geo. E. Badger; and the House of Commons was informed thereof by message.

Mr. Bynum presented depositions relative to the contested election of James B. Whitfield, which were on his motion, referred to the Committee of Privileges and Elections.

Mr. Morehead from the Committee on the Judiciary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law relative to witnesses in State cases—reported unfavorably thereto; and asked to be excused from the further consideration of the resolution; which was read and concurred in.

Mr. Morehead from the same committee, to whom was referred the bill, entitled a bill concerning Clerks, Sheriffs, and Constables—reported the bill with an amendment; which was read and ordered to lie on the table.

Received from the House of Commons, a message transmitting to the Senate the statements from the Bank of the State of North Carolina, and from the Bank of Cape Fear, proposing to print; and to refer them to the Joint Select Committee to inquire into the suspension of specie payments by the Banks; which was read and agreed to.

Mr. Morehead from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to protect the interest of lessors, reported the same to the Senate without amendment; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the resolution relative to securities to guardian bonds, reported unfavorably thereto, and asked to be discharged from the further consideration of the subject; which was read and concurred in.

Mr. Morehead, from the same committee, to whom was referred the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee County, reported the same to the Senate with an amendment, and recommended its passage; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the memorial of sundry citizens of Perquimons county, praying the Legislature to aid in suppressing the evil arising from the excessive use of ardent spirits, reported that the remedy to the evil arising from intoxication, is to be found in a due and rigid enforcement of the laws now in force, and in the disapprobation and censure of the virtuous portion of society; which was read and concurred in.

Mr. Reid presented the following resolution:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency of amending the existing law in relation to volunteer companies; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:

A bill to lay off and establish a county by the name of Stanly; and a bill to establish a county by the name of Cleveland—in which they ask the concurrence of the Senate.

The first named bill was read the first time and passed, and made the order of the day for to-morrow.

The last named bill was read the first time and passed.

Mr. Spruill presented a communication from George Levy, relative to the Public Buildings; which was, on his motion, referred to the Committee on Public Buildings.

Mr. Doekery presented a bill, entitled a bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State; which was read the first time and passed. The Senate took up for consideration the following engrossed bills:

A bill to fix the location of the town of Hendersonville; and the bill to provide for the convenient administration of justice in the counties of Franklin and Warren; which were severally read the second time and passed.

The Senate then took up for consideration the bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller; which was read the second time and passed.

Mr. Spruill, from the Committee on Finance, reported a resolution in favor of the Public Treasurer; which was read the first time and passed. The report was read, and on motion of Mr. Morehead, ordered to be sent to the House of Commons with a proposition to print.

The Senate took up for consideration the following engrossed bill and resolution:

A bill for the more convenient administration of justice in the county of Burke; and a resolution in favor of Robert Woodsides, sheriff of the county of Brunswick; which were read the second time and passed. Also, the engross-

ed resolutions concerning the apartments in the Capitol; which were read the second time.

Mr. Spruill moved to strike out the 4th resolution, and insert in lieu thereof the following, to wit:

Resolved, That the two large rooms in the basement story, in the Northern wing of the Capitol, opposite the rooms assigned to the Secretary of State, be set apart and used as the Comptroller's Office.

Which was read and agreed to.

Mr. Spruill further moved to amend, by striking out the 10th resolution, and inserting in lieu thereof the following, to wit:

Resolved, That the room in the western projection, in the second story, be set apart and used as the room of the Engrossing Clerks; and that the corresponding room in the eastern projection, in the same story, be set apart and used as a committee room.

Which was read and also agreed to.

Mr. Spruill then moved to insert after the 11th resolution the following, to wit:

Resolved, That the room in the third story, in the western projection, be set apart and used as the Supreme Court room.

Which was read and agreed to.

The resolutions then passed as amended.

Received from the House of Commons a message, proposing to authorise the Joint Select Committee on the Banks of the State to employ a Secretary; which was read and not concurred in.

On motion of Mr. Moore, the vote on the report of the Judiciary Committee on the memorial of sundry persons from Perquimons county, praying the Legislature to aid in suppressing the evil arising from the excessive use of ardent spirits, was re-considered.

Mr. Shepard moved to re-commit the memorial to the same committee, with the following instructions, to wit:

That the committee be instructed to report a bill amending the law so as to authorise the Courts to imprison those persons who retail spiritous liquors without license; and to prohibit the recovery of any debts contracted for liquors less than five dollars.

Mr. Dockery moved the following as an amendment to the instructions, to wit:

And also to prohibit, under penalty of imprisonment, non-residents from selling less than a gallon.

Which was accepted.

On motion of Mr. Clingman, the motion to re-commit with instructions, and the report, were laid on the table.

The bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road, heretofore made the special order for this day, was taken up and read the second time.

Mr. Dockery addressed the Senate in opposition to the passage of the bill.

On motion of Mr. Clingman, the bill was postponed until to-morrow.

Mr. Moore presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering the existing laws as to enable a security to absolve himself from legal responsibility, if the obligee does not commence legal proceedings to collect the same within a certain time after notice to that effect by the security or his agent.

Which was read and adopted.

On motion of Mr. Whitaker, the Senate adjourned until to morrow morning ten o'clock.

WEDNESDAY, DEC. 9, 1840.

Received from the House of Commons a message, transmitting to the Senate the Report of the Joint Select Com-

mittee appointed to wait on John M. Morehead, and inform him of his election, &c.; which was read and concurred in.

Mr. Selby presented a memorial from sundry citizens of the county of Hyde, praying the Legislature to authorise Daniel Shaw and others to construet locks and gates on the canal leading from Mattamuskeet Lake; which was, on his motion, referred to the Committee on Propositions and Grievances.

On motion of Mr. Moreherd, the Senate took up for consideration the bill entitled a bill to provide for the distribution of the proceeds of land sold for partition in certain cases; which was read the third time, and on motion of Mr. Mitchell, amended. Then, on motion of Mr. Morehead, the bill was postponed indefinitely.

Mr. Mitchell, from the Committee on the Judieiary, to whom was referred the resolution instructing them to inquire into the expediency of amending the law relative to the appointment of coroners, reported a bill entitled a bill to amend the law concerning the fees of Coroners; which was read the first time and passed.

The Senate took up for consideration the following engrossed bills, to wit:

A bill to fix the location of the town of Hendersonville.

A bill to provide for the more convenient administration of justice in the counties of Warren and Franklin.

And a bill for the more convenient administration of justice in the county of Burke.

Which were severally read the third time and passed, and ordered to be enrolled.

The Senate took up the engrossed resolution in favor of Robert Woodsides, sheriff of the county of Brunswick; which was read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill entitled a bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller; which was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Public Treasurer, and stating that Charles L. Hinton is in nomination for the appointment; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Pur-

year and Pollock form our branch of the committee to superintend the election for Public Treasurer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Franklin and Burns form their branch of the Committee to superintend the election for Public Treasurer; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. HINTON,

MESSRS. Speaker,
Albright,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Melchor,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Moore,
Morehead,
Montgomery,
Moye,
Myers,
Parks,
Pasteur,
Pollock,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitaker,
Whitfield,
Williams,
Worth—44.

Mr. Reid voted for Mr. B. B. Smith.

On motion of Mr. Cooper,

Ordered, That a message be sent to the House of Commons proposing to vote to-morrow at 12 o'clock for Attorney General.

Mr. Puryear, from the joint select committee appointed to superintend the election for Public Treasurer, reported that Mr. Hinton had received a majority of the whole number of votes given, and was duly elected; in which report the Senate concurred.

The Senate took up for consideration the engrossed resolutions concerning the apartments in the Capitol; which were read the third time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution:

A bill concerning pilots and commissioners of navigation for Cape Fear river.

Resolution in favor of Samuel Terry, Sheriff of Richmond county; in which they ask the concurrence of the Senate.

The bill and resolution were read the first time and passed.

Received from the House of Commons the resignation of William Robards as a Trustee of the University of North Carolina; which was read and accepted.

The Senate then took up for consideration the bill, entitled a bill to protect the interests of lessors, which was read the second time and passed.

Also the bill, entitled a bill concerning Clerks, Sheriffs and Constables, was taken up for consideration; which was read the second time—the amendment reported by the committee was agreed to—and, on motion of Mr. Bynum, ordered to lie on the table.

The Senate then took up for consideration the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was read the second time.

Mr. Shepard addressed the Senate in opposition to the passage of the bill.

On motion of Mr. Morehead, the bill was postponed until to-morrow.

Mr. Speed presented a petition from sundry citizens on Albemarle Sound, praying that the Legislature may not interfere with the fisheries on said Sound; which was, on his motion, referred to the committee raised on the subject of said fisheries.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow at 11 o'clock for Comptroller; which was read and agreed to.

The Senate took up for consideration the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanly; which was read the second time and postponed until to-morrow.

On motion of Mr. Speed, the Senate adjourned until to-morrow morning, ten o'clock.

THURSDAY, DEC. 10, 1840.

Mr. Clingman presented a memorial from J. R. Siler and D. R. Lowry, praying the Legislature to direct the Secretary of State to issue plot and certificate for an amended patent for No. 96, district 16; which was read, and, on his motion, referred to the Committee on Cherokee Lands.

Mr. Dockery, from the joint select committee on Military Affairs, to whom was referred a resolution instructing them to inquire into the expediency of amending the 51st section of the militia laws, as regards the number requisite to constitute a volunteer company, reported unfavorably to the resolution, and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Mr. Dockery, from the same committee, to whom was referred the bill, entitled a bill to incorporate a light artillery company in the town of Newbern, reported the same to the Senate, with amendments, and recommended its passage; which was read and ordered to lie on the table.

Received from the House of Commons a message, stating that Messrs. Hoke, Hill, Pope and J. B. Jones form their branch of the joint select committee on the communication from the Hon. George E. Badger.

Mr. Spruill, from the committee on Public Buildings and rebuilding the Capitol, reported the following bill and resolution: A bill making an appropriation for completing the capitol of the State, and for other purposes; and a resolution in favor of Thomas L. West; which were read the first time and passed.

On motion of Mr. Edwards, the report was ordered to be printed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to vote at 12 o'clock for Attorney General; and that Messrs. Burns and Tomlinson form their branch of the committee to superintend the election.

The Senate took up for consideration the engrossed reso-

lution in favor of Samuel Terry, Sheriff of Richmond county; which was read the second time and passed.

Mr. Dockery presented the following resolution:

Resolved, That the Public Treasurer pay to Mark H. Hill seven dollars and twenty cents, for carrying a writ of election to supply the vacancy occasioned in the Senate from the county of Orange, by the resignation of Willie P. Mangum.

Which was read the first time and passed.

The Senate took up for consideration a resolution in favor of the Public Treasurer; which was read the second time and passed.

Mr. Moore presented the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the 68th section of the Revised Statutes, chapter 162, as to require sheriffs to return to the Court of Pleas and Quarter Sessions a list of such taxes as they may have received on unlisted property, to be sworn to, and published by the clerk as other lists of taxes specified in said section are.

Which was read and adopted.

The bill concerning clerks, sheriffs and constables, was taken up and read, and, on motion of Mr. Cooper, ordered to lie on the table.

Mr. Ribelin presented the following resolution:

Resolved, That the Committee on Military Affairs, be instructed to inquire into the expediency of so amending the militia law, as to require Captains to drill their companies four times in each and every year; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Holt and Whitehurst, form their branch of the committee to superintend the election of Comptroller; and that William F. Collins, is in nomination for the appoint-

ment of Comptroller; and that they will commence voting on return of the messenger.

The Speaker announced to the Senate, that Messrs. Ribelin and Williams form our branch of the committee to superintend the election for Comptroller; and the House of Commons was informed thereof by message.

On motion of Mr. Bynum,

Ordered, That a message be sent to the House of Commons, informing them that George Little is added to the nomination for the appointment of Comptroller.

The Senate then voted as follows to wit:

FOR MR. COLLINS,

MESSRS Speaker,
Albright,
Bond,
Clingman,
Dockery,
Gaither,
Hargrave,
Hellen,
Hill,
Johnson,
Kerr,
Melchor,
Melvin,
Mitchell,
Morehead,
McDiarmid,

MESSRS. Moore,
Montgomery,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Spruill,
Ward,
Williams,
Wilson,
Worth—31.

FOR MR. LITTLE,

MESSRS. Bynum,
Cooper,
Edwards,
Etheridge,
Faison,
Hawkins,
Houlder,
Larkins,

MESSRS. Orr,
Pasteur,
Pollock,
Speed,
Spiers,
Waddell,
Whitaker,
Whitfield—16.

Mr. Reid voted blank.

The Senate took up for consideration the bill to amend an act in the Revised Statutes, entitled an act to provide for the

collection and management of a revenue for this State; which was read the second time and passed.

Mr. Williams, from the Joint Select Committee appointed to superintend the election of Comptroller, reported that Mr. Collins had received a majority of the votes given, and was duly elected; in which report the Senate concurred.

The Senate took up for consideration the engrossed bill, concerning pilots and commissioners of navigation for Cape Fear River; which was, on motion of Mr. Larkins, laid on the table.

The bill entitled a bill to protect the interest of lessors, was taken up and read the third time, on motion of Mr. Mitchell, amended and passed, and ordered to be engrossed.

The Senate took up for consideration the engrossed bill entitled a bill to lay off and establish a county by the name of Stanly; which passed the second reading, yeas 26; nays 21.

The yeas and nays were demanded by Mr. Reid

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. McDiarmid,
Bynum,	Moore,
Clingman,	Myers,
Dockery,	Orr,
Gaither,	Parks,
Hargrave,	Pasteur,
Hill,	Puryear,
Johnson,	Ribelin,
Kerr,	Selby,
Melchor,	Waddell,
Mitchell,	Ward,
Morehead,	Whitaker,
Montgomery,	Worth—26.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Moya,
Bond,	Pollock,
Cooper,	Reid,
Edwards,	Shepard,
Etheridge,	Sloan,
Faison,	Speed,
Hawkins,	Spruill,
Hellen,	Whitfield,
Houlder,	Williams,
Larkins,	Wilson—21.
Melvin,	

Received from the House of Commons the resignation of John C. Wilson, a Justice of the Peace for the county of Dublin; which was read and accepted.

The report and instructions on the memorial of sundry citizens of Perquimons county, praying the Legislature to aid in suppressing the evil arising from excessive use of ardent spirits, heretofore laid on the table, was taken up; the motion to re-commit with instructions, was rejected.

Mr. Hellen presented a bill entitled a bill to alter the laws now in force relating to pilots, legally authorised by the commissioners of navigation for Ocracock; which was read the first time and passed.

Mr. Hellen also presented a bill entitled a bill to add a part of Carteret county to Hyde county; which was read the first time and passed.

The Speaker announced to the Senate that Messrs. Albright and McDiarmid form our branch of the committee to superintend the election for Attorney General; and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Hargrave,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—22.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Dockery,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,
Montgomery,

MESSRS. Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Spruill,
Worth—19.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond,
Clingman,

MESSRS. Faison,
Gaither,
Waddell—6.

The Senate took up for consideration the resolutions, authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee County; the amendment was agreed to. The bill then passed the second reading as amended.

The Senate then proceeded to the order of the day, and took up for consideration, the unfinished business of yesterday, to-wit: The bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike road; which was debated by Messrs. Clingman and Shepard.

And on motion of Mr. Morehead, the further consideration of the bill was postponed until to-morrow.

Then on motion of Mr. Morehead, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, DECEMBER 11, 1840.

Mr. Hill presented the resignation of Jeremiah Pearsall, a justice of the peace for the county of Duplin; which was read and accepted, and sent to the House of Commons.

Mr. Moore, from the committee of Propositions and Grievances, to whom was referred the engrossed resolution for the relief of Thomas Faison and others, reported the same to the Senate without amendment, and recommended its adoption; which was read and ordered to lie on the table.

Mr. Albright, from the joint select committee appointed to superintend the election for Attorney General, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Attorney General; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Myers and Reid form our branch of the committee to superintend

the election for Attorney General—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. McClenehan and Morrow form their branch of the committee to superintend the election for Attorney General; and that they will commence voting on return of the messenger.

The Senate then voted as follows, to wit:

FOR MR. DANIEL,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Pasteur,
McDiarmid,
Orr,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

FOR MR. McQUEEN,

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,
Morehead,

MESSRS. Moore,
Montgomery,
Moye,
Myers,
Parks,
Purveyor,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Worth—24.

FOR MR. IREDELL,

MESSRS. Speaker,
Bond—2.

Mr. Spiers voted for Mr. B. F. Moore.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution requiring them to

inquire into the expediency of amending the laws respecting vagrants, reported that they deemed it inexpedient to legislate on the subject, and asked to be discharged from the further consideration thereof; which was read and ordered to lie on the table.

Mr. Morehead, from the same committee, to whom was referred the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c., reported the same to the Senate with an amendment, and recommended its passage; which was read and ordered to lie on the table.

Mr. Moore, from the Joint Select Committee on a Lunatic Asylum, reported the following resolutions, to wit:

Resolved, That his Excellency, the Governor, together with shall be, and the same are hereby constituted a board, with full power and authority to purchase a lot of land in this State, and procure a deed thereof in the name of the State, which shall be an eligible site for a Lunatic Hospital; regard being had, in the selection of such site, to the centre of population, to the cheapness of labor and materials for the construction of said Hospital; and that said board appoint commissioners, who shall cause to be erected on said site a Hospital, suitable for the accommodation of a superintendant and lunatics, or persons furiously mad; and that said commissioners shall have power to make all necessary contracts for, and to appoint to superintend the erection of the same, on the most approved plan; and shall also ascertain and report to his Excellency, a system of discipline and government therefor, at or before the time when the same shall be completed—and said commissioners shall present all their accounts to the aforesaid board, to be by them audited and allowed as they shall deem just.

Resolved, That to defray the expenses of erecting said Hospital, his Excellency, the Governor, be, and he is hereby authorised to draw his warrant from time to time upon the Public Treasurer, for the necessary sums of money not exceeding

Which was read, and on motion of Mr. Moyer, ordered that the report and resolutions be sent to the House of Commons, proposing that they be printed.

Mr. Reid, from the joint select committee appointed to superintend the election for Attorney General, reported that Mr. McQueen having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Senate took up for consideration the following bill and resolution:

A bill, entitled a bill to amend an act in the revised statutes, entitled an act to provide for the collection and management of a revevenue for this State.

Resolution in favor of the Public Treasurer.

Which were read the third time and passed, and ordered to be engrossed.

Mr. Wilson presented the following resolution:

Resolved, That it be referred to the Committee on the Judiciary, to inquire into the expediency of passing a law to prevent the transportation of slaves, or free persons of color, on board steam boats, rail roads or stages, without written permission or parole testimony, under such guards as may be thought necessary, so as to prevent the escape of slaves under severe penalties.

Which was read and adopted.

The Senate then took up for consideration, the engrossed resolution in favor of Samuel Terry, Sheriff of Richmond county; which was read the third time and passed, and ordered to be enrolled.

The Senate also took up for consideration the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanly; which was read the third time. Mr. Wilson moved that the bill be laid on the table; which was not agreed to: the bill was then rejected—yeas 24—nays 23.

The Speaker voted in the negative.

The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative were,

MESSRS. Albright,
Bynum,
Clingman,
Dockery,

MESSRS. Mitchell,
Morehead,
Montgomery,
Myers,

Gaither
Hargrave,
Hill,
Johnson,
Kerr,
Melchor,
McDiarmid,
Moore,

Orr,
Parks,
Puryear,
Ribelin,
Waddell,
Ward,
Whitaker,
Worth—24.

Those who voted in the negative were,

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Faison,
Hawkins,
Hellen,
Houlder,
Larkins,
Melvin,
Moye,

MESSRS. Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson—23.

The Senate then proceeded to the orders of the day and took up for consideration the bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was, on motion of Mr. Morehead, postponed until to-morrow.

Mr. Mitchell presented the following resolution:

Resolved, That the committee on the capitol and public buildings be instructed to inquire into the application of twenty thousand dollars, borrowed by the commissioners for building of the capitol, of the State Bank; the nature and proper value of the work; and articles for which said money was paid, and the times when such labor was done, and articles purchased; also, the nature, description and proper value of the work and articles which are stated in the late report of said committee to constitute a just debt against the State of the amount of about \$9,000; and the times when such labor was done and articles purchased.

Which was read and adopted.

On motion of Mr. Morehead, the Senate took up for consideration the bill entitled a bill concerning clerks, sheriffs and constables; which was, on motion of Mr. Cooper, laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill repealing the act relating to the public road in Buncombe county.

A bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39.

A bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Also, a resolution in favor of Phillip Hoduet, late entry taker for the county of Caswell.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed; and the resolution in favor of Philip Hodnet, late entry taker for the county of Caswell, was read the first time and passed, and on motion of Mr. Edwards, referred to the Committee of Propositions and Grievances.

The Senate took up for consideration the bill entitled a bill to add a part of Carteret county to Hyde county; which was read the second time, and on motion of Mr. Edwards, laid on the table.

On motion of Mr. Bynum, the engrossed bill entitled a bill to establish a county by the name of Cleveland, was taken up and made the order of the day for Monday next.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, DEC. 12, 1840.

Received from the House of Commons a message, proposing to vote on Tuesday at 12 o'clock, for Judge of the Superior Courts, in the place of R. M. Saunders resigned, and stating that Edward Hall and Matthias E. Manly are in nomination for the appointment; which was read and concurred in.

Received from the House of Commons a message, pro-

posing that Saturday the 19th instant, be set apart for the purpose of recommending Justices of the Peace for the several counties; which was read and agreed to.

The Senate took up for consideration the engrossed bill entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39; which was read the second time, and on motion of Mr. Clingman, referred to the Committee on Private Bills.

Also, the engrossed bill entitled a bill repealing the act relating to the public road in Buncombe county; which was read the second time, and on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

And the bill entitled a bill to alter the laws now in force relating to pilots legally authorised by the commissioners of navigation for Ocracock; which was, on motion of Mr. Hellen, referred to the Committee of Propositions and Grievances.

On motion of Mr. Hellen, the Senate took up the bill entitled a bill to add a part of Carteret county to Hyde county; which was referred to the Committee of Propositions and Grievances.

The Senate then proceeded to consider the bill entitled a bill to amend the law concerning the fees of Coroners; which was read the second time and passed.

The engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was taken up and read the second time.

Mr. Edwards moved to amend the bill, by inserting after the word *bonds*, in the proviso of the second section, the following words: "*and moneys received therefor.*"

Which was agreed to. The bill then passed as amended.

Mr. Hawkins moved that the vote by which was rejected the engrossed bill entitled a bill to lay off and establish a county by the name of Stanly, be re-considered.

Mr. Wilson moved that the motion to re-consider be laid on the table; which motion did not prevail. The motion to re-consider was then agreed to; and on motion of Mr. Hawkins, the bill was ordered to lie on the table.

The Senate took up for consideration the resolution in favor of Mark H. Hill; which was read the second time and passed.

Mr. Shepard presented a memorial of sundry citizens of North Carolina, praying that the Legislature will not in-

terfere with the right of fishing on the Albemarle Sound; which was, on his motion, laid on the table.

The Senate took up for consideration the order of the day, to wit, the bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was, after debate, on motion of Mr. Whitaker, laid on the table till Monday next.

Received from the House of Commons a message, proposing that the two Houses vote on Tuesday for Judge of the Superior Courts, in place of John D. Toomer—and that William H. Battle is in nomination for the appointment; which was read, and, on motion of Mr. Moore, laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution:

A bill to lay off and establish a county by the name of *Union*.

A resolution in favor of Isaac Hunter.

In which they ask the concurrence of the Senate.

Said bill was read the first time and passed—and the resolution was read the first time and passed; and, on motion of Mr. Edwards, referred to the Committee of Propositions and Grievances.

The engrossed bill concerning pilots and commissioners of navigation for Cape Fear river, was taken up, and, on motion of Mr. Albright, laid on the table.

Received from the House of Commons a message, stating that Augustus Moore is added to the nomination for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Received from the House of Commons a message, proposing that the two Houses vote on Monday next for eight Trustees of the University of North Carolina—and that Weston R. Gales, John A. Mebane, William H. Hardin, John H. Haughton, George C. Mendenhall, John C. Williams, Morris Q. Waddell, Jonathan Worth, Cadwallader Jones, jr., Patrick H. Winston, Bartholomew F. Moore, William A. Wright, Richard Hines and Hamilton C. Jones are in nomination; which was read and concurred in.

Received from the House of Commons a message, proposing that the two Houses vote on Wednesday next for Counsellors of State—and that John A. Anderson of Hertford, Henry I. Toole of Beaufort, Allen Goodwin of Chat-

ham, Willie Perry of Franklin, Andrew Bowman of Stokes, Johnston Busbee of Wake, Alfred Moye of Pitt, Edmund Bryan of Rutherford, Thomas McGehee of Person, John B. Troy of Randolph, Isaac T. Avery of Burke, Colin W. Barnes of Northampton, James P. Leak of Richmond are in nomination; which was read and agreed to.

On motion of Mr. Spruill, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, DEC. 14, 1840.

Received from the House of Commons a message, proposing to vote immediately for Colonel of Cavalry attached to the 5th brigade and 7th division of militia, to fill the vacancy occasioned by the death of Matthew Calvert; and that Samuel B. Spruill is in nomination for the appointment; which was read, and on motion of Mr. Wilson, laid on the table.

Mr. Spruill, from the Committee on Public Buildings, to whom was referred the resolution instructing them to inquire into the application of \$20,000, borrowed by the Commissioners for re-building the capitol, of the Bank of the State; the nature and proper value of the work and articles for which said money was paid, and the times when such labor was done, and articles purchased, reported thereon; which was read, and on motion of Mr. Arrington, sent to the House of Commons, proposing that the report be printed.

Mr. Morehead presented a bill entitled a bill to incorporate the Greensborough Guards, in the county of Guilford; which was read the first time and passed, and on his motion, referred to the Committee on Military Affairs.

The resolution in favor of Mark H. Hill was taken up and read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was, on motion of Mr. Moore, ordered to lie on the table.

The bill entitled a bill to amend the law concerning the fees of Coroners, was taken up and read the third time and passed, and ordered to be engrossed.

Mr. Clingman presented a bill entitled a bill giving the county of Cherokee a Superior Court of Law and Equity; which was read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate a communication from his Excellency the Governor; and proposing to refer 1st, So much as relates to Cherokee Lands, to the Joint Select Committee on Cherokee Lands. 2nd. So much as relates to the Vermont Resolutions, to a Joint Select Committee to be raised for that purpose. And 3rd. So much as relates to the Governor's residence, to a Joint Select Committee to be raised for that purpose.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits.

Received from the House of Commons a message, stating that Henry I. Toole is in nomination for Trustee of the University, and not for Counsellor of State, as heretofore, by mistake, communicated to the Senate, and that B. S. Gaither is in nomination for Trustee of the University; Michael Holt, of Orange, and John McIntire of Rutherford, are in nomination for Counsellors of State; and that Alfred Moye, of Pitt, and Edmund Bryan, of Rutherford, are withdrawn from the nomination for Counsellors of State.

Received from the House of Commons a message, transmitting to the Senate a memorial from sundry citizens of Wake county on the subject of emancipation; which was read and on motion of Mr. Edwards, referred to the Committee on Propositions and Grievances.

Mr. Clingman presented a bill entitled a bill giving the county of Henderson a Superior Court of Law and Court of Equity; which was read the first time and passed.

Mr. Hellen presented a memorial from the branch pilots for the inlet at Ocracoke and the Sound and Rivers connected therewith, praying the Legislature to inquire into the law regulating piloting in and out at Ocracoke Inlet, as well as the Sounds and Rivers connected with it; which was, on motion of Mr. Hellen, referred to the Committee of Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Pope and Huggins form their branch of

the committee to superintend the election of eight Trustees of the University; and that they will commence voting on return of the messenger.

On motion of Mr. Mitchell,

Ordered, That a message be sent to the House of Commons, informing them that Matthew R. Moore is added to the nomination for Trustee of the University.

The Speaker announced to the Senate that Messrs. Mitchell and Orr form our branch of the committee to superintend the election for eight trustees of the University—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. MENDENHALL,

MESSRS. Bond,
Hargrave,
Hellen,
Melchor,
Mitchell,
Moore,
Morehead,
Montgomery,

MESSRS. Moye,
Myers,
Pasteur,
Pollock,
Ribelin,
Selby,
Whitaker—15.

FOR MR. WILLIAMS,

MESSRS. Albright,
Arrington,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Hill,
Kerr,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,
Montgomery,

MESSRS. Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—33.

FOR MR. WADDELL,

MESSRS. Albright,
Bond,
Bynum,
Dockery,
Etheridge,
Exum,
Faison,
Hawkins,
Hellen,
Hill,

MESSRS. Montgomery,
Myers,
Parks,
Pasteur,
Puryear,
Ribelin,
Speed,
Spiers,
Williams,
Wilson—20.

FOR MR. WORTH,

MESSRS. Speaker,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum.
Hargrave,
Hawkins,
Hellen,
Melchor,
Mitchell,
McDiarmid,
Moore,

MESSRS. Morehead,
Montgomery,
Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Spruill,
Ward,
Whitaker,
Whitfield,
Wilson—34.

FOR MR. CADWALLADER JONES,

MESSRS. Speaker,
Arrington,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,

MESSRS. Melvin,
McDiarmid,
Orr,
Pasteur,
Pollock,
Puryear,
Reid,
Sloan,
Speed,
Spiers,

Hargrave,
Hawkins,
Hill,
Kerr,
Larkins,

Ward,
Whitaker,
Whitfield,
Williams,
Wilson—30.

FOR MR. WRIGHT,

MESSRS. Hellen,
Hill,
Mitchell,

MESSRS. Pollock,
Whitfield—5.

FOR MR. GAITHER,

MESSRS. Speaker,
Albright,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Hargrave,
Hawkins,
Hellen,
Hill,
Melchor,
Melvin,
Mitchell,
McDiarmid,
Moore,

MESSRS. Montgomery,
Morehead,
Moye,
Myers,
Orr,
Parks
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Speed,
Spiers
Spruill,
Ward,
Whitaker,
Whitfield
Williams
Wilson—41.

FOR MR. B. F. MOORE,

MESSRS. Speaker,
Arrington,
Bond,
Clingman,
Faison,
Hellen,
Mitchell,
Moore,

MESSRS. Morehead,
Moye,
Orr,
Selby,
Speed,
Spiers,
Spruill,
Williams—16.

FOR MR. M. R. MOORE,

MESSRS Speaker,
Albright,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Faison,
Hargrave,
Hawkins,
Hellen,
Melchor,
Mitchell,
McDiarmid,
Morehead,
Montgomery,

MESSRS. Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—36.

FOR MR. WINSTON,

MESSRS. Dockery,
Edwards,
Etheridge,
Exum,
Hawkins,
Melchor,

MESSRS. Morehead,
Montgomery,
Myers,
Ribelin,
Spiers,
Ward—12.

FOR MR. GALES,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Hargrave,
Melchor,
McDiarmid,
Moore,

MESSRS. Morehead,
Moye,
Myers,
Parks,
Puryear,
Reid,
Selby,
Spiers,
Spruill,
Whitaker—21.

FOR MR. MEBANE,

MESSRS. Hill,
Morehead—2.

FOR MR. HAUGHTON,

MESSRS. Albright,
Spruill—2.

FOR MR. ANDERSON,

MESSRS. Kerr,
Larkins—2.

FOR MR. TOOLE,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hargrave,
Hawkins,
Hill,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—25.

FOR MR. REID,

MESSRS. Kerr,
Larkins,

MESSRS. Sloan,
Ward—4.

FOR MR. WARD,

Messrs. Kerr,
Larkins,
Sloan—3.

FOR MR. ARRINGTON,

Messrs. Kerr,
Larkins,
Sloan—3.

FOR MR. B. C. POPE,

Mr. Melvin—1.

FOR MR. HAWKINS,

Messrs. Melvin,
Sloan—2.

FOR MR. H. C. JONES,

MESSRS. Arington,
Bynum,
Clingman,
Moore,

MESSRS. Montgomery,
Purveyor,
Ribelin—7.

FOR MR. HARDIN,

Messrs. Speaker,
Albright,
Edwards,
Hargrave,

MESSRS. Hill,
Moore,
Speed—7.

FOR MR. HINES,

MESSRS. Speaker,
Albright,
Bond,
Cooper,
Etheridge,
Exum,
Faison,
Hawkins,
Hellen,
Melchor,
Mitchell,
McDiarmid,

MESSRS. Moore,
Moye,
Orr,
Parks,
Ried,
Selby,
Speed,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson—24.

The Senate took up for consideration the engrossed bill, entitled a bill concerning pilots and commissioners of navigation for Cape Fear river; which was read the second time, and, on motion of Mr. Worth, referred to a select committee of three.

The Senate then proceeded to the orders of the day, and took up the bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was, on motion of Mr. Moore, ordered to lie on the table.

And the engrossed bill entitled a bill to establish a county by the name of Cleveland; which was read the second time, and on motion of Mr. Speed, ordered to lie on the table.

Mr. Hellen presented a bill entitled a bill to alter the time of holding the Fall Term of the Superior Courts of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Greene, Wayne, Duplin, Jones, Onslow, Craven and Carteret; which was read the first time and passed.

Mr. Waddell presented the following resolutions:

Resolved, That to the successful developement of the resources of North Carolina, a system of Internal Improvement, which shall unite all the leading interests of the State, is indispensable.

Resolved, As the basis of any well devised scheme of improvement, the Legislature regard the re-opening of Roanoke Inlet as an object of paramount importance, essential not merely to the prosperity of North Carolina, but an object of great national interest.

Resolved, That secondary in importance only to this great object, to the successful accomplishment of which the national resources are alone competent, the Wilmington and Raleigh Rail Road constitutes the proper base line of a system of Internal Transport; and that the union of the Raleigh and Gaston Road with this great channel of travel and trade, is of vital importance to the ultimate success of both works.

Resolved, That to make the State one in interest and in feeling, and to distribute with any equality the benefits of improvement, the western section of North Carolina, in which resources are abundant, but transport difficult, should be united with the eastern avenues to commerce, by the immediate construction of Turnpike or McAdamised Roads.

Resolved, That to sustain and insure the permanency of the works already executed, and to provide for the completion of the system contemplated by the foregoing resolutions, the following appropriation of the available funds of the State should be made:

1st. To aid the credit of the Wilmington and Raleigh, and the Raleigh and Gaston, Rail Road Companies, the floating capital of the State, under the control of the Board of Internal Improvement and the Literary Fund, shall be invested in bonds to be hereafter issued by said companies, and endorsed by the State.

2nd. That the proceeds of the Cherokee Lands which have accrued, or shall hereafter accrue, together with the in-

terest arising from the bonds to be issued by the Rail Road Companies, as herein proposed, shall be specially appropriated to the construction of a Turnpike or McAdamised Road, from the city of Raleigh to the West, with such lateral branches as may be deemed necessary.

Which were read, and on motion of Mr. Waddell, ordered to lie on the table and be printed.

Mr. Mitchell, from the Joint Select Committee appointed to superintend the election of eight Trustees of the University of North Carolina, reported that Messrs. Gaither, Mendenhall, B. F. Moore, Cadwallader Jones, Jr., Williams, Worth, Gales and Winston, having each received a majority of the votes given, were duly elected; in which report the Senate concurred.

Mr. Dockery gave notice to the Senate that he would, on to-morrow, move to amend the rules of order for the government of the Senate.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, DECEMBER 15, 1840.

The Speaker announced to the Senate that Messrs. Hellen and Pasteur form our branch of the committee to superintend the election for Judge of the Superior Courts of Law and Equity, in place of R. M. Saunders resigned; and that Messrs. Faison and Sloan form our branch of the committee to superintend the election for Counsellors of State; and the House of Commons was informed thereof by message.

Mr. Pasteur presented the Report of the Merchant's Bank of Newbern; which was read, and on motion of Mr. Wilson, ordered to be printed.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company, reported the same to the House and asked to be discharged from the further consideration of the subject; which was read and concurred in; and on motion of Mr. Bynum, the bill was referred to the Committee on the Judiciary.

Mr. Wilson presented a bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonburg, in Edgecomb county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:

A bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a Poor House for the accommodation of the poor of said county, and for other purposes.

A bill to change the time of holding the Courts of Pleas and Quarter Sessions of Camden county.

A bill to amend an act entitled an act passed in the year 1818, entitled an act to elect a Magistrate for the town of Wilmington and for other purposes.

A bill concerning jurors in Yancy county.

Also, a resolution in favor of the executor of B. Daniel. In which they ask the concurrence of the Senate.

Said bills and resolution were severally read the first time and passed.

Received from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate to the engrossed resolutions concerning the apartments in the capitol; which was read, and on motion of Mr. Spruill, ordered that a message be sent to the House of Commons, informing them that the Senate insist on their amendments.

Received from the House of Commons a message, concurring in the proposition of the Senate to print the report of the Committee on Public Buildings.

The Senate took up for consideration the following bills, to wit:

A bill giving to the County of Cherokee a Superior Court of Law and Equity.

And a bill giving to the county of Henderson a Superior Court of Law and Court of Equity.

Which were read the second time and passed.

On motion of Mr. Gaither, the bill entitled a bill concerning clerks, sheriffs and constables, was taken up and read the second time and passed.

The engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was taken up, and on motion of Mr. Moore, postponed until to-morrow.

The Senate then proceeded to consider the bill entitled a bill to alter the time of holding the Fall Term of the Superior Courts of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Green, &c., which was, on motion of Mr. Hellen, ordered that a message be sent to the House of Commons, proposing to refer it to the members from the counties mentioned in the bill.

The engrossed resolution for the relief of Thomas Faison and others was taken up and read the second time and passed.

The Speaker announced to the Senate that Messrs. Worth, Albright and Larkins form the Joint Committee on the part of the Senate to whom is referred the bill concerning pilots and commissioners of navigation for Cape Fear River.

Messrs. Gaither and Wilson are appointed the Committee on Enrolled Bills the present week.

Messrs. Waddell, Edwards and Parks form the Committee on the resolutions of the State of Vermont.

And that Messrs. Mitchell, Hawkins and Moore form the Committee on the Governor's residence—and the House of Commons was informed thereof by message.

The report of the Committee on the Judiciary on the resolution relative to vagrants, was taken up, read, and concurred in; and the report of said committee on the engrossed bill entitled a bill giving longer time to register grants of land in this State, deeds of mesne conveyance and powers of attorney, &c. was taken up. The bill was read the third time and passed as amended.

Received from the House of Commons a message, stating that Messrs. Wm. B. Lane and Bryan form their branch of the Committee to superintend the election for Judge of the Superior Courts, in the place of R. M. Saunders, resigned; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Speaker,
Albright,
Arrington,
Bond,

MESSRS. Morehead,
Melchor,
Melvin,
McDiarmid,

Cooper,
Edwards,
Exum.
Faison,
Gaither,
Hargrave,
Hawkins,
Houlder,
Kerr,
Larkins,

Moore,
Myers,
Orr,
Reid,
Sloan,
Ward,
Whitaker,
Williams,
Wilson—27.

FOR MR. MANLY,

MESSRS. Bynum,
Hellen,
Hill,
Montgomery,
Moye,

MESSRS. Pasteur,
Pollock,
Selby,
Waddell,
Whitfield—10.

FOR MR. MOORE.

MESSRS. Clingman,
Dockery,
Etheridge,
Johnson,
Mitchell,
Parks,

MESSRS. Puryear,
Ribelin,
Speed,
Spiers,
Spruill,
Worth—12.

Received from the House of Commons a message, stating that Romulus M. Saunders is in nomination for Judge, to fill the vacancy occasioned by the resignation of John D. Toomer.

On motion of Mr. Edwards,

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after Wednesday next, until Monday next.

Mr. Hellen, from the joint select committee appointed to superintend the election of Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge of the Su-

perior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders.

The Senate took up for consideration the bill, entitled a bill to exempt all persons under twenty-one years of age from performing Military duty; which was read the second time. The amendment proposed by Mr. McDiarmid was rejected. The question then recurred on the passage of the bill; which was decided in the negative—yeas 18—nays 28.

The yeas and nays were demanded by Mr. McDiarmid.

Those who voted in the affirmative were,

MESSRS. Arrington,
Bond,
Edwards,
Exum,
Gaither,
Hawkins,
Houlder,
Johnson,
Kerr,

MESSRS. Melvin,
McDiarmid,
Moore,
Orr,
Pollock,
Spiers,
Ward,
Whitaker,
Whitfield—18 yeas.

Those who voted in the negative were,

MESSRS. Albright,
Clingman,
Cooper,
Dockery,
Etheridge,
Faison,
Hargrave,
Hellen,
Hill,
Larkins,
Melchor,
Mitchell,
Morehead,
Montgomery,

MESSRS. Moye,
Myers,
Parks
Puryear,
Reid,
Ribelin,
Selby,
Sloan,
Speed,
Spruill,
Waddell,
Williams
Wilson,
Worth—28 nays.

The Senate took up for consideration the bill entitled a bill to incorporate a Light Artillery Company in the town of Newbern; which was read the second time, and on motion of Mr. Dockery, amended and passed.

Mr. Hawkins, from the Committee on Internal Im-

provement, to whom was referred the memorial of the Raleigh and Gaston Rail Road Company, reported a bill entitled a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and on motion of Mr. Hawkins, ordered to lie on the table, and ordered that the report be printed.

Mr. Waddell presented a petition from sundry inhabitants of the county of Orange, praying the Legislature to offer a bounty for every pound of silk raised and reeled in the State by the citizens thereof; which was read, and on motion of Mr. Bynum, referred to the Committee on the Judiciary.

Received from the House of Commons a message, agreeing to the proposition of the Senate to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Guyther and Jefferson form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Moye and Etheridge form our branch of the Committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Albright,
Arrington,
Cooper,
Edwards,
Etheridge,
Faison,
Gaither,
Hargrave,
Hawkins,
Johnson,
Kerr,
Larkins,

MESSRS. McDiarmid,
Melchor,
Melvin,
Moore,
Myers,
Orr,
Reid,
Sloan,
Ward,
Whitaker,
Williams,
Wilson—24.

FOR MR. MANLY,

MESSRS. Bynum,

MESSRS. Moye,

Exum,
Hellen,
Hill,
Houlder,
Montgomery,
Pasteur,

Pollock,
Ribelin,
Selby,
Waddell,
Whitfield,
Worth—14.

FOR MR. MOORE,

MESSRS. Bond,
Clingman,
Dockery,
Mitchell,
Morehead,

MESSRS. Parks,
Puryear,
Speed,
Spiers,
Spruill—10.

The Senate took up for consideration the bill entitled a bill to alter the time of holding the County Courts of Lincoln; which was, on motion of Mr. Ward, ordered to lie on the table.

The Speaker presented the report of Charles L. Hinton, Public Treasurer, on the resolution directing him to ascertain the number of copies of the Revised Statutes now unsold, and at what places they are deposited for sale; the amount of the number of copies that have been sold; when and at what prices; and what disposition has been made of the funds that have arisen from the sales of the Revised Statutes; which was read, and on motion of Mr. Morehead, referred to the Committee on the Judiciary.

The message from the House of Commons, proposing to vote for Colonel of Cavalry of the 5th brigade of the 7th division of militia, was taken up, and on motion of Mr. Wilson, ordered to lie on the table.

Mr. Moyer, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Romulus M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Bynum,

Ordered, That a message be sent to the House of Commons, proposing to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Mr. Morehead presented a bill entitled a bill to protect churches; which was read the first time and passed, and

on motion of Mr. Gaither, referred to the Committee on the Judiciary.

Mr. Gaither presented a bill entitled a bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit; which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote again immediately for Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Holt and Doak form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Albright and Orr form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders—and the House of Commons was informed thereof by message.

The Senate then voted as follows, to wit:

FOR MR. HALL,

MESSRS. Speaker,
Albright,
Arrington,
Cooper,
Edwards,
Faison,
Gaither
Hawkins,
Houlder,
Johnson,
Kerr,
Larkins,

MESSRS. Melchor,
McDiarmid,
Moore,
Morehead,
Myers,
Orr,
Reid,
Sloan,
Ward,
Williams,
Wilson—23.

FOR MR. MANLY,

MESSRS. Bond,
Bynum,
Exum,
Hargrave,
Hellen,
Hill,

MESSRS. Moye,
Pasteur,
Pollock,
Ribelin,
Selby,
Waddell,

Melvin,
Montgomery,

Whitfield
Worth—16.

• FOR MR. MOORE,

MESSRS. Clingman,
Dockery,
Etheridge,
Mitchell,
Parks,

MESSRS. Puryear,
Speed,
Spiers,
Spruill—9.

Received from the House of Commons the following resignations: Leonard Daniel, a Justice of the Peace for the county of Halifax; Charles T. Hunter, a Justice of the Peace for the county of Edgecomb; T. Hampton, a Justice of the Peace for the county of Lincoln; Young Brisentine, a Justice of the Peace for the county of Rutherford; which were severally read and accepted.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DEC. 16, 1840.

Mr. Bynum presented depositions relative to the contested election of James B. Whitfield, which were, on his motion, referred to the Committee of Privileges and Elections.

Mr. Clingman, from the Committee on Cherokee Lands, to whom was referred the petition of J. R. Siler and D. R. Lowry, reported the following resolutions, to wit:

Resolved, That the Secretary of State be authorised, and he is hereby required to alter the certificate of survey, on which a grant was issued to Benj. S. Brittain, in district No. 16, and section No. 96; and make the same conformable with the plot thereto annexed; and also to alter the record of the grant in his office, so that it correspond with the certificate of survey after having been so altered; and that he be further authorised to alter the grant, when the same shall be presented to him for that purpose.

Resolved, That this resolution take effect from and after its passage.

Which was read the first time and passed.

On motion of Mr. Gaither,

Ordered, That a message be sent to the House of Commons, proposing to vote for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of John D. Toomer.

Mr. Dockery, from the Joint Select Committee on Military Affairs; to whom was referred a resolution instructing them to inquire into the expediency of requiring militia companies to muster four times in each year, reported a bill, entitled a bill to compel all militia Captains to muster their companies four times in each and every year; which was read the first time and passed, and, on motion of Mr. Dockery, made the order of the day for Monday next.

Mr. Reid, from the Committee on Private Bills, to whom was referred the bill, entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39, reported the same to the Senate, and asked to be discharged from the further consideration of the subject. The bill was then read the second time and laid on the table.

Mr. Albright, from the joint select committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Mr. Dockery presented a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers; which was read the first time and passed.

Received from the House of Commons a message, agreeing to vote immediately for Judge to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. King and Withers form their branch of the Committee to superintend the election.

The Speaker announced to the Senate that Messrs. Puryear and Pollock form our branch of the committee to superintend the election for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saunders.

The Senate then voted as follows, to wit:

FOR MR. HALL,

MESSRS. Speaker,
Albright,
Arrington,
Cooper,
Edwards,
Faison,
Gaither,
Hawkins,
Houlder,
Johnson,
Kerr,

MESSRS. Larkins,
Melvin,
McDiarmid,
Moore,
Myers,
Orr,
Reid,
Sloan,
Whitaker,
Williams,
Wilson—22.

FOR MR. MANLY,

MESSRS. Bynum,
Exum,
Hargrave,
Hellen,
Hill,
Montgomery,

MESSRS. Moye,
Pasteur,
Pollock,
Selby,
Whitfield—11.

FOR MR. MOORE,

MESSRS. Bond,
Clingman,
Dockery,
Etheridge,
Melchor,
Mitchell,
Morehead,
Parks,

MESSRS. Puryear,
Ribelin,
Shepard,
Speed,
Spiers,
Spruill,
Worth—15.

The bill entitled a bill, giving to the county of Cherokee a Superior Court of Law and Equity; and the bill entitled a bill giving to the county of Henderson a Supe-

rior Court of Law and Court of Equity—were taken up and read the third time and passed, and ordered to be engrossed.

Mr. Puryear from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

The Senate took up for consideration the bill entitled a bill, to incorporate a Light Artillery Company in the town of Newbern; which was read the third time, and on motion of Mr. Moore laid on the table.

The engrossed resolution for the relief of Thomas Faison and others, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons proposing to vote again immediately for Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of R. M. Saunders.

The bill entitled a bill, concerning clerks, sheriffs and constables; was taken up and read the third time, and rejected.

The Senate then proceeded to consider the bill entitled a bill, making an appropriation for completing the Capitol of the State, and for other purposes; and the resolution in favor of Thomas L. West; which were each read the second time and passed.

The engrossed bill entitled a bill to change the time of holding the Court of Pleas and Quarter Sessions of Camden county, was taken up and read the second time and passed.

The Senate then took up for consideration the engrossed bill entitled a bill to amend an act passed in the year 1818, entitled an act to elect a Magistrate for the town of Wilmington, and for other purposes; and the engrossed bill entitled a bill concerning Jurors in Yancy county; which were read the second time and passed.

The bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonsburg, in Edgecomb county; which was read the second time and passed.

Received from the House of Commons a message, proposing to raise a Joint Select Committee, to whom shall be referred a bill now before this House, to incorporate

the Little River Manufacturing Company; and that said committee be instructed to inquire into the expediency of passing a general law for securing the creditors of incorporated companies; which was read and concurred in.

The engrossed bill entitled a bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a poor house for the accommodation of the poor of said county, and for other purposes; and the engrossed resolution in favor of the executor of Beverly Daniel, deceased, were taken up and each read the second time and passed.

The Senate took up for consideration the bill entitled a bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter in the several counties composing the 7th Judicial Circuit; which was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to expedite legal process; and a bill to regulate the time of holding the Superior Court of Moore county at its next ensuing term; which were read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate a memorial from sundry citizens, praying the Legislature to grant a charter for a Bank, to be located at Henderson, proposing to refer it to a Joint Select Committee of five on the part of each House; which was read and concurred in.

The Senate then proceeded to the orders of the day, and took up the resolution on Internal Improvement; which was read, and after debate, was, on motion of Mr. Clingman, postponed until to-morrow.

Received from the House of Commons a message, agreeing to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. McMillan and Carson form their branch of the committee to superintend the election.

The Speaker announced to the Senate that Messrs. Melchor and Sloan form our branch of the committee to superintend the election for Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saun-

ders; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Speaker,
Arrington,
Cooper,
Edwards,
Faison,
Hawkins,
Houlder,
Kerr,
Larkins,
Melchor,

MESSRS. McDiarmid,
Moore,
Myers,
Orr,
Reid,
Sloan,
Whitaker,
Williams,
Wilson—19.

FOR MR. MANLY,

MESSRS. Bynum,
Dockery,
Exum,
Hargrave,
Hellen,
Montgomery,

MESSRS. Moye,
Pasteur,
Pollock,
Selby,
Waddell,
Whitfield—13.

FOR MR. MOORE.

MESSRS. Bond,
Clingman,
Etheridge,
Johnson,
Mitchell,
Morehead,

MESSRS. Parks,
Puryear,
Speed,
Spiers,
Spruill,
Worth—12.

Received from the House of Commons a message, stating that Messrs. Patton, Reid, James Graham, Flemming and Young form their branch of the joint select committee to whom is referred so much of the Governor's message as relates to the repairs of the Governor's residence; and that Messrs. Paine, Stallings, McClenehan and G. W. Caldwell form their branch of the joint select committee to whom is referred so much of the Governor's message as relates to the resolutions from Vermont.

On motion of Mr. Whitaker, the Senate adjourned till tomorrow morning, 10 o'clock.

THURSDAY, DECEMBER 17, 1840.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c.

Ordered, That said bill be enrolled.

Mr. Melehor, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

Received from the House of Commons a message, informing the Senate that Messrs. Barns, Biggs, Murchison and Baker form their branch of the committee on enrolled bills for this week.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing to vote immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

Received from the House of Commons a message, concurring in the proposition of the Senate to refer the bill to alter the time of holding the Fall Term of the Superior Court of Law and Equity for the counties of Hyde, Beaufort, Lenoir, Greene, &c., to the members from the counties mentioned in the bill.

Received from the House of Commons a message, stating that they insist on their disagreement to the amendments proposed by the Senate to the engrossed resolutions concerning the assignment of rooms in the capitol, and proposing to raise a committee of conference consisting of three on the part of each House, on the subject of said disagreement; which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote again immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders; and that Messrs. Wilson and Mangum form their branch of the committee to superintend the election.

The name of Augustus Moore is withdrawn from the nomination.

The Speaker announced to the Senate that Messrs. Moye and Ward form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

The Senate then voted as follows:

FOR MR. HALL,

MESSRS. Speaker,	MESSRS. Moore,
Arrington,	McDiarmid,
Bond,	Orr,
Cooper,	Ried,
Edwards,	Shepard,
Etheridge,	Sloan,
Faison,	Speed,
Gaither,	Spiers,
Hawkins,	Spruill,
Houlder,	Ward,
Kerr,	Whitaker,
Larkins,	Williams,
Melchor,	Wilson—27.
Melvin,	

FOR MR. MANLY,

MESSRS. Bynum,	MESSRS. Pasteur,
Clingman,	Myers,
Exum.	Parks,
Hargrave,	Pollock,
Hellen,	Puryear,
Hill,	Ribelin,
Johnson,	Selby,
Mitchell,	Waddell,
Morehead,	Whitfield,
Montgomery,	Worth—21.
Moye,	

The bill entitled a bill to incorporate the Trustees of Hopewell Academy, near Stantonsburg, in Edgecomb county, was taken up and read the third time and passed, and ordered to be engrossed.

Mr. Moye, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that Mr. Matthias E. Manly,

having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Speaker announced to the Senate that Messrs. Gaither, Hawkins, Johnson, Orr and Ribelin form the Joint Committee on the part of the Senate to whom is referred the memorial of certain citizens, praying for authority to establish a Bank at Henderson, in Granville county.

And that Messrs. Dockery, Myers, Hellen, Whitfield and Sloan form the Joint Committee on the part of the Senate, to whom is referred the bill to incorporate the Little River Manufacturing Company; and the House of Commons was informed thereof by message.

The engrossed bill entitled a bill to regulate the time of holding the Superior Court of Moore at its next ensuing term, was taken up and read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to vote this day at 11 o'clock for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and that Messrs. Adams and Holland form their branch of the committee to superintend the election.

Whereupon the Speaker announced to the Senate that Messrs. Hellen and Melvin form our branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. BATTLE,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,
Gaither,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell—23.

FOR MR. SAUNDERS,

MESSRS Arrington,
Edwards,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Montgomery,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—22.

Mr. Cooper voted blank.

The Senate proceeded to consider the engrossed bill, entitled a bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of erecting thereon a Poor House for the accommodation of the poor of said county, and for other purposes.

The bill, entitled a bill to change the time of holding the Court of Pleas and Quarter Sessions of Camden county; and the engrossed bill, entitled a bill to amend an act entitled an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; which were severally read the third time and passed, and ordered to be enrolled.

Mr. Hellen, from the joint select committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Jno. D. Toomer, reported that no person had received a majority of the votes given, and there was no election; in which report the Senate concurred.

The bill making an appropriation for completing the Capitol of the State and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

And the resolution in favor of Thomas L. West, was read the third time and passed, and ordered to be engrossed.

The Senate then took up for consideration the engrossed resolution in favor of the Executor of Beverly Daniel,

deceased; which was read the third time and passed, and ordered to be enrolled.

Mr. Cooper moved that the vote by which was passed the bill, entitled a bill making an appropriation for completing the Capitol of the State and for other purposes, be now reconsidered; which motion was agreed to. Then, on his motion, the bill was laid on the table.

The bill, entitled a bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter in the several counties composing the 7th Judicial Circuit, was taken up and read the third time, and, on motion of Mr. Gaither, laid on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Counsellors of State, and that the names of Messrs. Bowman and Barnes are withdrawn from the nomination; which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Myers and Arrington form our branch of the committee to superintend the election for Counsellors of State—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. W. J. T. Miller and Powell form their branch of the committee to superintend the election for Counsellors of State—and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ANDERSON,

MESSRS. Speaker,
Bond,
Clingman,
Faison,
Gaither,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Moye,
Myers,
Parks,
Purveyor,
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Wilson,
Worth—22.

FOR MR. AVERY,

MESSRS. Speaker,
Bond,

MESSRS. Montgomery,
Moye,

Bynum,
Clingman,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,

Myers,
Parks,
Puryear,
Ribelin,
Selby,
Spiers,
Spruill,
Wilson,
Worth—22.

FOR MR. JAMES P. LEAK,

MESSRS. Speaker,
Bond,
Clingman,
Faison,
Gaither,
Hellen,
Johnson,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Moye,
Myers,
Parks,
Puryear,
Selby,
Speed,
Spiers,
Waddell,
Worth—20.

FOR MR. HOLT,

MESSRS. Bynum,
Clingman,
Hill,

MESSRS. Moore,
Morehead,
Sloan—6.

FOR MR. MCINTIRE,

MESSRS. Bynum,
Gaither,
Hawkins,
Melchor,

MESSRS. Montgomery,
Ribelin,
Speed,
Waddell—8.

FOR MR. GOODWIN,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,
Hargrave,
Hellen,

MESSRS. Myers,
Parks,
Puryear,
Ribelin,
Speed,
Spiers,
Spruill,

Johnson,
Melchor,

Waddell,
Wilson—18.

FOR MR. PERRY,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,
Hargrave,
Hawkins,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Montgomery,
Myers,

MESSRS. Moye,
Parks
Pasteur,
Pollock,
Purveyar,
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Waddell,
Whitfield,
Wilson,
Worth—28.

FOR MR. BUSBEE,

MESSRS. Speaker,
Bond,
Clingman,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,
Montgomery,

MESSRS. Moye,
Myers,
Parks,
Purveyar,
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Waddell,
Wilson,
Worth—25.

FOR MR. McGEHEE,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Faison,
Gaither
Hargrave,

MESSRS. Montgomery,
Moye,
Myers,
Parks,
Purveyar,
Ribelin,
Selby,

Hellen,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,

Speed,
Spiers,
Spruill,
Waddell,
Wilson,
Worth—26.

FOR MR. TROY,

MESSRS. Bynum,
Gaither,
Hargrave,
Mitchell,
Moore,

Messrs. Morehead,
Montgomery,
Moye,
Wilson,
Worth—10.

FOR MR. BIGGS,

Mr. Cooper.

FOR MR. WM. P. WILLIAMS,

MESSRS. Cooper,
Kerr,
Orr—3.

FOR MR. REID,

Mr. Cooper—1.

FOR MR. ALLEN ROGERS, Sr.,

MESSRS. Arrington,
Cooper,
Edwards,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Whitaker,
Whitfield,
Williams—19.

FOR MR. L. D. WILSON,

MESSRS. Arrington,
Cooper,
Etheridge,

MESSRS. McDiarmid,
Pasteur,
Reid,

Hawkins,
Hill,
Houlder,
Larkins,
Melvin,
Morehead,

Selby,
Sloan,
Spruill,
Whitaker,
Williams—17.

FOR MR. L. D. HENRY,

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,

Messrs. Melvin,
McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Sloan,
Whitaker,
Whitfield—18.

FOR MR. W. F. LEAK,

MESSRS. Arrington,
Cooper,
Etheridge,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Reid,
Sloan,
Williams
Whitaker—12.

FOR MR. WILLIAMSON,

Messrs. Etheridge,
Hawkins,
Hill,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Reid,
Whitaker,
Williams—11.

FOR MR. ALFRED JONES,

Messrs. Etheridge,
Hawkins—2.

FOR MR. WATSON,

MESSRS. Exum,
Houlder,
Pasteur,

MESSRS. Pollock,
Whitfield—5.

FOR MR. WYATT MOYE,

MESSRS. Exum,
Houlder,
Pollock,

MESSRS. Sloan,
Whitfield—5.

FOR MR. J. H. EVERETT,

MESSRS. Exum,
Pollock,
Whitfield—3.

FOR MR. JORDAN,

MESSRS. Arrington,
Hill,
Kerr,
Larkins,
Melvin,

MESSRS. McDiarmid,
Orr,
Pasteur,
Reid,
Williams—10.

FOR MR. WATT,

MESSRS. Arrington,
Etheridge,
Exum,
Hill,
Houlder,
Kerr,
Larkins,

MESSRS. Melvin,
McDiarmid,
Orr,
Reid,
Waddell,
Whitaker,
Williams—14.

FOR MR. CRAIG.

MESSRS. Arrington,
Exum,
Houlder,
Pollock, .

MESSRS. Sloan,
Whitaker,
Whitfield,
Williams—8.

FOR W. S. BLACKLEDGE,

Mr. Pasteur—1.

The engrossed bill entitled a bill, to expedite legal process, was taken up and read the second time, and, on motion of Mr. Morehead, amended and passed.

The Senate then took up for consideration the engross-

ed bill entitled a bill, concerning Jurors in Yaney county; which was read the third time; and on motion of Mr. Gaither, amended; then on motion of Mr. Whitaker, was referred to the Committee on Private Bills.

Mr. Worth, from the Joint Committee on Education, to whom was referred the subject of Common Schools, reported a bill entitled a bill for the establishment and better regulation of Common Schools.

On motion of Mr. Edwards,

Ordered, That the report and bill be printed.

The Senate took up for consideration the unfinished business of yesterday, to wit:

The resolutions on Internal Improvement; which, after debate, were, on motion of Mr. Cooper, postponed until tomorrow.

Mr. Myers, from the Joint Select Committee appointed to superintend the election of Counsellors of State, reported that Messrs. Anderson, Perry, Busbee, McGehee, Avery and Jas. P. Leak, each having received a majority of the votes given, were duly elected; and that no other person had received a majority; in which report the Senate concurred.

On motion of Mr. Wilson, the Senate adjourned until tomorrow morning ten o'clock.

FRIDAY, DEC. 18, 1840.

The Speaker announced to the Senate that Messrs. Spruill, Faison and Cooper compose the Committee of Conference on the part of the Senate on the disagreement of the two Houses to the amendments proposed by the Senate to the resolutions concerning the apartments in the Capitol.

Mr. Worth moved that in the place of Mr. Albright there be added one to the committee to whom is referred the bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River.

Whereupon the Speaker announced that Mr. Hellen is added to said committee.

Mr. Worth presented the resignation of John R. Brown, a Justice of the Peace for the county of Randolph; which was read and accepted, and sent to the House of Commons.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill entitled a bill to protect churches, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Arrington presented a bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes; which was read the first time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Clingman and Orr form our branch of the Committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Levi Walker and Pemberton form their branch of the committee to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. BATTLE,

MESSRS. Speaker,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hargrave,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,

MESSRS. Moye,
Morehead,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Worth—26.

FOR MR. SAUNDERS,

MESSRS. Arrington,
Cooper,

MESSRS. Larkins,
Orr,

Edwards,
Etheridge,
Exum,
Hawkins,
Hill,
Houlder,
Kerr,
Melvin,
McDiarmid,
Montgomery,

Pasteur,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—23.

Received from the House of Commons a message, transmitting to the Senate the message of His Excellency the Governor, and the accompanying reports of the Treasurer of the University of North Carolina, and of the committee appointed to audit and settle the same, proposing to print them; which was read and agreed to.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and resolution, to wit:

A bill to amend the several Revised Statutes, entitled an act concerning sheriffs; an act concerning clerks of the County and Superior Courts; and an act concerning constables.

A resolution in favor of William Young, of Macon co.

In which they ask the concurrence of the Senate.

Which were read the first time and passed.

Mr. Clingman, from the Joint Select Committee appointed to superintend the election for Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer, reported that Mr. William H. Battle, having received a majority of the votes given, was duly elected; in which report the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend an act entitled an act concerning the seat of government and other public buildings; in which they ask the concurrence of the Senate; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills; in which they ask the concurrence of the Senate:

A bill to abolish the Fair at or near Laurel Hill, in the county of Richmond.

A bill to lay off and establish a county by the name of Caldwell.

A bill to lay off and establish a county by the name of McDowell.

Also, an engrossed resolution in favor of Travis Elmore, of Macon county.

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Robards, Mendenhall, W. J. T. Miller, R. Jones and Withers form their branch of the committee on the memorial from the citizens of Henderson, praying the establishment of a Bank; and that Messrs. Boyden, Hoke, Moore and Reid form their branch of the committee to whom is referred a bill to incorporate Little River Manufacturing Company.

The engrossed bill entitled a bill to regulate the time of holding the Superior Court of Morre at its next ensuing term; and the engrossed bill entitled a bill to expedite legal process, were taken up and read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Counsellor of State, and that Messrs. Holt and Troy are withdrawn from the nomination; which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Spiers and Montgomery form our branch of the committee to superintend the election for a Counsellor of State.

Received from the House of Commons a message, stating that Messrs. F. Williams and J. W. Taylor form their branch of the committee to superintend the election for Counsellor of State—and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. GOODWIN,

MESSRS. Speaker,
Bond,
Dockery,
Faison,
Hargrave,
Hellen,
Hill,
Johnson,
Larkins,

MESSRS. Montgomery,
Myers,
Parks,
Purveyor,
Ribelin,
Shepard,
Spiers,
Spruill,
Waddell,

Melchor,
Moore,
Morehead,

Williams,
Worth—23.

FOR MR. McINTIRE,

MESSRS. Bynum,
Clingman,
Gaither,

MESSRS. Speed,
Ward—5.

FOR MR. ASHE,

MESSRS. Arrington,
Melvin,
Reid—3.

FOR MR. W. MOYE,

MESSRS. Cooper,
Exum,
Houlder,
Mitchell,
Moye,

MESSRS. Pasteur,
Selby,
Whitfield,
Wilson—9.

FOR MR. L. D. HENRY,

MESSRS. Kerr,
McDiarmid,
Orr,

MESSRS. Pollock,
Sloan,
Whitaker—6.

The resolution in favor of J. R. Siler, and D. R. Lowry, was taken up, and on motion of Mr. Bynum, laid on the table.

The Senate took up for consideration the bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers; which was, on motion of Mr. Dockery, laid on the table.

Mr. Montgomery, from the joint select committee appointed to superintend the election for Consellor of State, reported that Mr. Goodwin having received a majority of the votes given, was duly elected; in which report the Senate concurred.

The Senate took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was read

the third time. Mr. Wilson moved to insert in the second section and the fourth line, after the words "Cherokee lands," the words "of one hundred dollars and under;" which was rejected. Mr. Moore then moved to amend by striking out, in the second section, the words "and the Governor," and inserting in lieu thereof the words "or when the interest of the State shall in the least seem to require it;" which was agreed to. Mr. Reid then moved to strike out, in the third section, the words "and Georgia, payable at Savannah and Augusta." The question thereon was decided in the affirmative—yeas 23, nays 22. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

Messrs. Bond,	Messrs. Orr,
Edwards,	Pasteur,
Exum,	Pollock,
Faison,	Reid,
Hellen,	Selby,
Hill,	Sloan,
Houlder,	Ward,
Kerr,	Whitaker,
Larkins,	Whitfield,
Melvin,	Williams,
McDiarmid,	Wilson—23.
Morehead,	

Those who voted in the negative, were

MESSRS Arrington,	MESSRS. Mitchell,
Bynum,	Moore,
Clingman,	Montgomery,
Cooper,	Moye,
Dockery,	Myers,
Etheridge,	Puryear,
Gaither,	Ribelin,
Hargrave,	Speed,
Hawkins,	Spruill,
Johnson,	Waddell,
Melchor,	Worth—22.

Whereupon, on motion of Mr. Clingman, the bill was laid on the table.

On motion of Mr. Bynum, the bill entitled a bill to establish a county by the name of Cleveland, was taken up and made the order of the day for Tuesday next.

The resolutions on Internal Improvement, being the unfinished business of yesterday, were taken up, and after debate, were, on motion of Mr. Spiers, postponed until tomorrow.

Received from the House of Commons the resignation of Lewis D. Wilson, as a Trustee of the University of North Carolina; which was read and accepted.

On motion of Mr. Hellen, the Senate adjourned until tomorrow morning ten o'clock.

SATURDAY, DEC. 19, 1840.

Received from the House of Commons a message, stating that Messrs. H. C. Jones, Brower and Mangum, form their branch of the Committee of Conference on the disagreement between the two Houses, to the amendments proposed by the Senate to the engrossed resolutions relating to the rooms in the Capitol.

The bill entitled a bill, for the establishment and better regulation of Common Schools, was taken up and read the first time and passed; and on motion of Mr. Worth, made the order of the day for Monday next.

The Senate took up for consideration the engrossed bill entitled a bill, to abolish the Fair at or near Laurel Hill, in the county of Richmond; and the engrossed resolution in favor of Travis Elmore, in the county of Macon; which were read the second time and passed.

The engrossed resolution in favor of William Young, of Macon county, was taken up and read the second time and passed.

The Senate then took up the engrossed bill, entitled a bill to amend an act entitled an act concerning the Seat of Government and Public Buildings; which was read the second time and passed.

The bill, entitled a bill to repeal in part an act, entitled an act concerning bills, bonds and promissory notes, was taken up and read the second time, and, on motion of Mr. Wilson, laid on the table.

The Senate proceeded to consider the engrossed bill, entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning Clerks

of the County and Superior Courts, and an act concerning Constables; which was read the second time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

Mr. Shepard presented a bill, entitled a bill to establish free schools within the several counties of the State; which was read the first time and passed, and, on his motion ordered to be printed; and, on motion of Mr. Wilson, made the order of the day for Monday next.

The resolutions authorising the erection of a Lunatic Hospital, were taken up and read the second time, and on motion of Mr. Edwards, laid on the table.

On motion of Mr. Clingman, the Senate took up the bill, entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and '39; which was read the second time and passed.

Mr. Moore, from the Committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of the county of Hyde, relative to erecting locks and gates on the Mattamuskeet canal, reported the same to the Senate, and asked to be discharged from its further consideration; the committee was discharged accordingly, and, on motion of Mr. Moore, referred to the Committee on Internal Improvement.

Mr. Moore, from the same committee to whom was referred the engrossed resolution in favor of Philip Hodnet, late entry taker for the county of Caswell, reported the same to the Senate, and recommended its passage; which was read the second time and passed.

Mr. Moore, from the same committee, to whom was referred the letter of the Secretary of State, recommending to the Legislature the propriety of forbearing to sue for the penalty incurred by R. B. Davis, sheriff of Washington county, and others therein specified, for failing to make a duplicate return of the elections held for Governor in their respective counties, in August last, to the Secretary of State, reported the following resolution, to wit:

Resolved, That the Secretary of State be, and he is hereby directed to take no legal step towards the collection of the penalty incurred by R. B. Davis, sheriff of Washington county; John Harman, sheriff of Chatham county; John E. Hussey, sheriff of Duplin county; Eli McKee, sheriff of Macon county; Joshua Williamson, sheriff of Columbus county; and

Samuel W. W. Vick, sheriff of Nash county, for failing to make a duplicate return of the election for Governor, held in their respective counties in August last, to the office of the Secretary of State, within thirty days thereafter.

Which was read and ordered to lie on the table.

Received from the House of Commons a message, proposing that the two Houses vote immediately for Cavalry officers attached to the 5th brigade and 7th division, and that Samuel B. Spruill is in nomination for Colonel Commandant; Ralph E. McNair for Lieutenant Colonel; and Charles Harrison for Major; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Exum and Selby form our branch of the Committee to superintend the election of Cavalry officers of the 5th brigade attached to the 7th division—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate that Messrs. D. A. Graham and Ziglar form their branch of the committee to superintend the election of Cavalry officers of the 5th brigade attached to 7th division; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. SPRUILL,

MESSRS. Speaker,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum.
Faison,
Gaither,
Hargrave,
Hawkins,
Hill,
Houlder,
Johnson,
Larkins,

MESSRS. McDiarmid,
Melvin,
Moore,
Morehead,
Moye,
Myers,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Sloan,
Spruill,
Waddell,
Whitfield,
Williams,
Wilson,
Worth—36.

FOR MR. McNAIR,

MESSRS. Speaker,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hill,
Houlder,
Johnson,
Larkins,

MESSRS. Moore,
Melvin,
McDiarmid,
Morehead,
Moye,
Myers,
Pasteur,
Pollock,
Ried,
Ribelin,
Selby,
Sloan,
Spruill,
Waddell,
Whitfield,
Williams,
Wilson,
Worth—36.

FOR MR. HARRISON,

MESSRS. Speaker,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hill,
Houlder,
Johnson,
Larkins,

MESSRS. Moore,
Melvin,
McDiarmid,
Morehead,
Moye,
Myers,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Sloan,
Spruill,
Waddell,
Whitfield,
Williams,
Wilson,
Worth—36.

Received from the House of Commons the following resignations: Sol. Ebird, a Justice of the Peace for the county of Montgomery; A. Myers, a Justice of the Peace

for the county of Anson; Delany Harper, a Justice of the Peace for the county of Greene; and Thomas D. Wright, a Justice of the Peace for the county of Franklin; which were severally read and accepted.

Mr. Morehead presented the petition from a volunteer company in the town of Greensborough, praying the Legislature to incorporate the "Greensborough Guards;" which was read, and on his motion, referred to the committee on Military Affairs.

Mr. Mitchell presented the following resolution:

Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of appropriating fifteen hundred dollars to the improvement of the State road from the foot of the Blue Ridge to its summit at Reddie's River Gap.

Which was read and adopted.

On motion of Mr. Waddell,

Ordered, That Mr. Andrew Joyner, Speaker, have leave of absence from the service of the Senate, from and after Thursday the 24th instant, until Thursday the 31st instant.

On motion of Mr. Edwards, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DECEMBER 21, 1840.

Mr. Worth presented the petition of Jacob Harman, of Randolph county, praying the Legislature to emancipate his two negroes, Abram and Eliek; which was, on his motion, referred to the Committee of Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to amending 102d chapter of the Revised Statutes, reported a bill entitled a bill to amend the 102d chapter of the Revised Statutes, entitled revenue; which was read the first time and passed.

Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the engrossed resolution in favor of Isaac Hunter, reported the same to the Senate with an amendment; which was read and ordered to lie on the table.

Mr. Moore, from the same committee, to whom was referred the bill entitled a bill to add a part of Carteret county to Hyde county; reported unfavorably thereto, and asked to be discharged from its further consideration.

The bill was ordered to lie on the table.

On motion of Mr. Morehead,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate, from and after Thursday the 24th inst., till Monday 28th instant.

On motion of Mr. Reid,

Ordered, That Mr. Arrington have leave of absence from the service of the Senate, from and after Thursday the 24th instant, till Monday 28th inst.

The Senate took up for consideration the engrossed bill entitled a bill to abolish the Fair at or near Laurel Hill, in the county of Richmond; the engrossed resolution in favor of Phillip Hodnet, late entry taker for the county of Caswell; and the engrossed resolution in favor of Travis Elmore, of Macon county; which were severally read the third time and passed, and ordered to be enrolled.

The engrossed bill entitled a bill concerning jurors in Yancy county, and the engrossed resolution in favor of William Young, of Macon county, were taken up and read the third time and passed and ordered to be enrolled.

On motion of Mr. Clingman, the Senate took up for consideration the engrossed bill entitled a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Mr. Clingman moved to add, after the word South Carolina, in the third section, the words, *and in addition to which, the agent may, and he is hereby required to receive from all debtors for Cherokee Lands, whose permanent residence may be west of the Blue Ridge, the notes of the specie paying Banks of Georgia, payable at Augusta and Savannah.*

Which was rejected.

Mr. Reid further moved to amend by inserting after the word *collected*, in the 5th section, the words, *Provided that*

the salary of such commissioner shall not exceed fifteen hundred dollars per annum.

Which was also rejected.

Mr. Edwards moved that the vote by which was rejected the amendment proposed by Mr. Clingman, be now reconsidered; which was agreed to.

The question was then taken on said amendment, and decided in the affirmative—yeas 25, nays 23. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative were,

MESSRS. Arrington,
Bynum,
Clingman,
Dockery,
Etheridge,
Gaither,
Hargrave,
Hawkins,
Johnson,
Melchor,
Mitchell,
Moore,
Montgomery,

MESSRS. Moye,
Myers,
Parks,
Purveyor,
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Worth—25.

Those who voted in the negative were,

MESSRS. Bond,
Cooper,
Edwards,
Exum,
Faison,
Hellen,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Morehead,
Orr,
Pasteur,
Pollock,
Reid,
Shepard,
Sloan,
Whitaker,
Whitfield,
Williams,
Wilson—23.

The question then was, shall the bill as amended, pass the third reading; which was decided in the affirmative—yeas 25, nays 23.

The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative were,

MESSRS. Arrington,
Bynum,
Clingman,
Dockery,
Etheridge,
Gaither
Hargrave,
Hawkins,
Johnson,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Moye,
Myers,
Parks,
Puryear,
Selby,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Worth—25.

Those who voted in the negative were,

MESSRS. Bond,
Cooper,
Edwards,
Exum,
Faison,
Hellen,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Shepard,
Sloan,
Whitaker,
Whitfield,
Williams,
Wilson—23.

The engrossed bill, entitled a bill to amend an act entitled an act concerning the Seat of Government and Public Buildings, was taken up and read the third time and passed, and ordered to be enrolled.

Mr. Wilson moved that the engrossed bill, entitled a bill to lay off and establish a county by the name of Stanley, be now taken up. The question thereon was decided in the affirmative—yeas 32, nays 12. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative were,

MESSRS. Arrington,
Bond,

MESSRS. Moye,
Myers,

Bynum,
Clingman,
Dockery,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hellen,
Houlder,
Melvin,
Mitchell,
Moore,
Morehead,

Parks,
Pasteur,
Pollock,
Reid,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson,
Worth—32.

Those who voted in the negative were,

MESSRS. Cooper,
Edwards,
Hill,
Johnson,
Kerr,
Larkins,

MESSRS. Melchor,
McDiarmid,
Montgomery,
Orr,
Puryear,
Ribelin—12.

Whereupon, on motion of Mr. Montgomery, the bill was made the order of the day for Friday week next.

The Senate entered upon the orders of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools; which was read the second time.

Mr. Shepard proposed an amendment thereto; which, after debate, the bill and amendment were, on motion of Mr. Morehead, postponed until to-morrow.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, DEC. 22, 1840.

Mr. Arrington presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee of two on

the part of each House, to report at what time the Legislature can adjourn *sine die*.

Which was read and rejected.

Mr. Moore presented the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of giving to one or three magistrates, out of Court, jurisdiction over all plain and minor cases of assaults and batteries, with a specified fine, where the defendants plead guilty.

Which was read and adopted.

Mr. Dockery presented the following resolution, to wit:

Resolved, That the Committee on Internal Improvement be instructed to inquire into the expediency of appropriating dollars for a survey, by a competent Engineer, under the direction of the Board of Internal Improvement, of Lumber River, from the South Carolina line to McFarland's Turnpike Bridge, and a canal from Lumber River, commencing at or near Lumberton, the most eligible route to Cape Fear River.

Which was read and adopted.

Mr. Moye presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the Legislature adjourn *sine die* on Monday 4th day of January next; and that the Clerks of the two Houses be directed to make up the estimates accordingly.

Which was read and adopted.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the Engrossed bill to expedite legal process.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing to print the communication from the Public Treasurer relative to the expenses incurred by the Board of Internal Improvement, &c., therewith transmitted to the Senate; which was read and concurred in.

The Speaker announced to the Senate that Messrs. Clingman and Arrington form our branch of the Committee on Enrolled Bills for this week; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Russell, F. Williams, D. A. Graham and Brannock form their branch of the Committee on Enrolled Bills for this week.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to prevent betting on elections.

The engrossed bill entitled a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 '39, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Hellen, the Senate took up the bill entitled a bill to add a part of Carteret county to Hyde county; which was read the second time and rejected.

Received from the House of Commons the resignation of Jordan Winston, a Justice of the Peace for the county of Perquimons, and Casper Holshouser, a Justice of the Peace for the county of Rowan; which were read and accepted.

Received from the House of Commons the pension certificate of the Court of Pleas and Quarter Sessions of the county of Mecklenburg, in favor of Martha Thompson; which was read, and on motion of Mr. Orr, ordered to be countersigned by the Speaker.

On motion of Mr. Moore, the Senate took up the engrossed resolution in favor of Isaac Hunter; which was read the second time, amended and passed.

On motion of Mr. Arrington, the bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, was taken up and read the second time and passed.

The engrossed bill entitled a bill to lay off and establish a county by the name of Union, was taken up, and on motion of Mr. Whitaker, laid on the table.

On motion of Mr. Spiers, the resolutions on Internal Improvement, heretofore laid on the table, were taken up.

Mr. Shepard moved to amend the resolutions by striking out the 5th resolution, and inserting in lieu thereof the following, to wit:

Resolved, That the Governor of the State be required to employ a competent Engineer to survey a route for a 'Turnpike Road from Raleigh to Asheville; also, a route from Fayetteville to the Tennessee Line, by the way of Wilkesboro', intersecting the former route at some point east of the Yadkin; and that the Engineer, in making his report, shall indicate what route is preferable on account of cheapness, directness, and facility of construction; and whether there is material for paving said route throughout the entire length of the road, sufficiently abundant and durable.

Resolved moreover, That said engineer give an estimate in his report, as accurate as he can make it, what will be the cost of paving said road per mile; and what will be the expense of said road, if it is only graded; and in order to carry this resolution into effect, the sum of \$2,000 is hereby appropriated out of any monies in the Treasury.

Which was read, and on motion of Mr. Waddell, the resolution and amendment were laid on the table.

The bill, entitled a bill to compel the militia Captains to muster their companies four times in each and every year, was taken up and read the second time and rejected.

The engrossed bill, entitled a bill to establish a county by the name of Cleveland, being the order of the day, was taken up, and, on motion of Mr. Bynum, postponed until to-morrow.

Mr. Worth, from the select committee to whom was referred a bill, entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, reported the same to the Senate, and recommended its passage; which was laid on the table.

Mr. Exum, from the joint select committee appointed to superintend the election for cavalry officers of the 5th brigade attached to the 7th division, reported that Sam'l B. Spruill, for Col. Commandant; Ralph McNair, as Lieutenant Col.; and Charles Harrison, as Major, having each received a majority of the votes given, were duly elected; in which report the Senate concurred.

Mr. Mitchell presented a bill, entitled a bill to amend the 53d chapter of the Revised Statutes concerning the Governor; which was read the first time and passed.

On motion of Mr. Dockery, the bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up

the Pedee and main Yadkin rivers, was taken up, and read the second time and passed.

On motion of Mr. Pasteur, the bill, entitled a bill to incorporate a Light Artillery Company in the town of Newbern, was taken up, and read the third time and passed, ordered to be engrossed.

Mr. Wilson, from the committee on the Judiciary, to whom was referred the bill, entitled a bill to amend an act for the better regulation of the town of Wilkesboro', reported the same to the Senate, and asked to be discharged from its further consideration; the committee was discharged accordingly. On motion of Mr. Mitchell, the bill was laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; in which they ask the concurrence of the Senate. The bill was read the first time and passed.

On motion of Mr. Hellen, the Senate adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DEC. 23, 1840.

Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the engrossed bill, entitled a bill repealing the act relating to the public road in Buncombe county, reported the same to the Senate, and recommended its passage.

Ordered said bill lie on the table.

Mr. Moore, from the same committee, to whom was referred the bill entitled a bill to alter the laws now in force relating to pilots legally authorised by the commissioners of navigation for Ocrack, reported the same to the Senate, and recommended that it be referred to the members from the counties of Currituck, Camden, Pasquotank, Perquimons, Gates, Chowan, Washington, Tyrrell, Beaufort, Hyde, Carteret, Jones and Craven; which was agreed to. And the bill was ordered to lie on the table.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred the bill, entitled a bill to incorporate the Greensboro' Guards, in the county of

Guilford, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Waddell presented the following resolutions, to wit:

Resolved, That a committee be appointed, whose duty it shall be to prepare an extract from the Census of this State, for the year 1840, showing, in separate columns, the aggregate population of each county of the State, the white, black and federal population of the same, the number of minors between the age of five and twenty, together with the amount of public tax paid, according to the Comptroller's report—and that one copy thereof be printed for each member of the Legislature.

Resolved, That the printer of the laws be, and he is hereby directed to publish the same with the Journals of this Legislature.

Which were read and adopted.

Mr. Clingman presented a bill entitled a bill to incorporate the Nantahalalah Turnpike Company of the counties of Macon and Cherokee; which was read the first time and passed.

Received from the House of Commons a message, proposing to refer to a Joint Select Committee of five on the part of each House, the message of his Excellency the Governor on the subject of the French Spoliations, with the memorial and accompanying documents therewith transmitted to the Senate; which was read and concurred in.

The bill entitled a bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and Main Yadkin Rivers, was taken up and read the third time, and passed and ordered to be engrossed.

Received from the House of Commons the resignation of William Ray, a Justice of the Peace for the county of Cumberland; and E. Joiner, a Justice of the Peace for the county of Wayne; which were read and accepted.

The Senate took up for consideration the engrossed resolution in favor of Isaac Hunter; which was read the third time, and on motion of Mr. Edwards, amended and passed—yeas 32—nays 16.

The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. McDiarmid,
Bond,	Montgomery,
Clingman,	Moye,
Cooper,	Parks,
Dockery,	Pasteur,
Edwards,	Puryear,
Faison,	Reid,
Gaither,	Selby,
Hargrave,	Shepard,
Hellen,	Sloan,
Johnson,	Spiers,
Kerr,	Spruill,
Larkins,	Waddell,
Melchor,	Ward,
Mitchell,	Williams,
Morehead,	Worth—32.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Myers,
Bynum,	Orr,
Etheridge,	Pollock,
Exum,	Ribelin,
Hawkins,	Speed,
Hill,	Whitaker,
Houlder,	Whitfield,
Melvin,	Wilson—16.

The bill entitled a bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, was taken up and read the third time and passed—yeas 28, nays 18. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Arrington,	MESSRS. Montgomery,
Bond,	McDiarmid,
Bynum,	Moore,
Cooper,	Moye,
Edwards,	Orr,
Etheridge,	Pollock,
Exum,	Reid,

Hargrave,	Sloan,
Hill,	Spruill,
Houlder,	Ward,
Johnson,	Whitaker,
Kerr,	Whitfield,
Larkins,	Williams,
Melvin,	Wilson—28.

Those who voted in the negative, were

Messrs. Albright,	MESSRS. Mitchell,
Clingman,	Parks,
Dockery,	Pasteur,
Faison,	Puryear,
Gaither,	Selby,
Hellen,	Shepard,
Melchor,	Speed,
Morehead,	Waddell,
Myers,	Worth—18.

Ordered, That said bill be engrossed.

The Senate entered on the order of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools; which was read the second time, and after debate, on motion of Mr. Cooper, laid on the table.

Mr. Morehead moved that the vote by which was adopted the resolutions appointing a committee to prepare an abstract of the census, &c. be reconsidered; which was agreed to.

The resolutions were then amended and adopted.

On motion of Mr. Bynum, the engrossed bill entitled a bill to establish a county by the name of Cleaveland, was taken up and read the second time and rejected—yeas 22, nays 26. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

Messrs. Albright,	MESSRS. Moore,
Bynum,	Montgomery,
Clingman,	Myers,
Dockery,	Orr,
Gaither,	Puryear,
Hargrave,	Parks,
Hawkins,	Ried,
Johnson,	Ribelin,

Melchor,
Mitchell,
McDiarmid,
Morehead,

Waddell,
Ward,
Worth—23.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hellen,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Moye,
Pasteur,
Pollock,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Whitaker,
Whitfield,
Williams,
Wilson—26.

The bill entitled a bill making an appropriation for completing the Capitol of the State and for other purposes, was taken up and read the third time, and on motion of Mr. Speed, laid on the table.

On motion of Mr. Bynum, the bill entitled a bill to alter the time of holding the County Courts of Lincoln, was taken up and read the second time and passed.

The Speaker announced to the Senate that Messrs. Waddell, Dockery, Gaither, Mitchell and Worth form the committee to whom is referred the resolution on the subject of making an abstract of the census, &c.

Mr. Mitchell presented a bill entitled a bill to amend an act passed at the session, A. D. 1838, entitled an act to divide the counties into School Districts and other purposes; which was read the first time and passed, and on motion of Mr. Spruill, ordered to be printed.

On motion of Mr. Clingman, the resolution in favor of J. R. Siler and D. R. Lowry was taken up and read the second time and passed.

Mr. Hellen, from the Committee on Internal Improvement, to whom was referred the memorial of sundry citizens of the county of Hyde, relative to the erection of locks and gates on the canal leading from the Mattamuskeet Lake, reported the following resolution:

Resolved, That the Literary Board be directed to ascertain the nature and amount of injuries sustained by a portion of the citizens of Hyde county, from the operation of the State on a ditch intended to drain the waters of Mattamuskeet Lake to Wyserking Creek; and if they determine it to be obligatory on the State to redress the said injuries, then the said board are directed to move the said nuisance, *Provided*, the cost does not therefor amount to more than two thousand five hundred dollars; which amount they are hereby authorized to take from the sum heretofore appropriated for the draining of swamp lands.

Which was read and ordered to lie on the table.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the engrossed bill entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning clerks of the County and Superior Courts, and an act concerning constables, reported the same to the Senate with an amendment; which was read and laid on the table.

Mr. Montgomery presented the resignation of Green Palmer, a Justice of the Peace for the county of Montgomery; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Mitchell, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, DEC. 24, 1840.

The Senate met according to adjournment. The Speaker having heretofore obtained leave of absence from the service of the Senate for one week from and after this day—whereupon the Senate proceeded to elect a Speaker *pro tem*.

On motion of Mr. Gaither, Hugh Waddell was nominated for the appointment of Speaker, and, on motion of Mr. Cooper, Mr. Dockery was added to the nomination. On motion of Mr. Reid, Messrs. Spruill and Bynum were appointed to superintend the election.

The Senate then voted as follows:

FOR MR. WADDELL,

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Gaither,
Hargrave,
Hawkins,
Hellen,
Johnson,

MESSRS. Melchor,
McDiarmid,
Moore,
Montgomery,
Moye,
Myers,
Puryear,
Speed,
Spiers—19.

FOR MR. DOCKERY,

MESSRS. Cooper,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,
Morehead,

MESSRS. Orr,
Pasteur,
Pollock,
Ribelin,
Selby,
Sloan,
Spruill,
Ward,
Whitaker,
Whitfield—21.

FOR MR. WILSON,

MESSRS. Reid,
Williams—2.

Mr. Spruill from the Select Committee appointed to superintend the election for Speaker *pro tem.*, reported that no person had received a majority of the votes given, and there was no election; whereupon the name of Mr. Waddell was withdrawn from the nomination.

The Senate then proceeded to vote again for Speaker *pro tem.*; which resulted as follows:

FOR MR. DOCKERY,

MESSRS. Albright,
Bond,
Bynum,

MESSRS. Moore,
Montgomery,
Morehead,

Clingman,	Moye,
Cooper,	Myers,
Etheridge,	Pasteur,
Exum,	Pollock,
Faison,	Puryear,
Hargrave,	Ribelin,
Hawkins,	Selby,
Hill,	Sloan,
Houlder,	Speed,
Johnson,	Spiers,
Kerr,	Spruill,
Larkins,	Waddell,
Melchor,	Ward,
Melvin,	Whitaker,
Mitchell,	Whitfield—37.
McDiarmid,	

FOR MR. WADDELL,

MESSRS. Gaither,
Hellen—2.

FOR MR. WILSON,

MESSRS. Orr,
Williams—2.

Mr. Reid voted for Mr. Kerr.

Mr. Spruill from the committee appointed to superintend the election for Speaker *pro tem.*, reported that Mr. Dockery had received a majority of the votes given, and was duly elected. Whereupon, Mr. Spruill conducted Mr. Dockery to the chair. The Senate then proceeded to business.

Mr. Cooper presented the following resolution:

Resolved, That we send a message to the House of Commons, proposing to raise a Joint Select Committee of two on the part of each House, whose duty it shall be to examine the condition that the public arms are in, which are deposited in the arsenal in the city of Raleigh; and that they have leave to report to this General Assembly, by bill or otherwise.

Which was read and adopted.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to the discharge of securities in certain cases, reported adversely thereto, and asked to be discharged from its further consideration; the committee was discharged accordingly.

Mr. Morehead, from the same committee, to whom was referred the resolution requiring them to inquire into the expediency of giving to magistrates jurisdiction over assaults and batteries, reported adversely thereto, and asked to be discharged from its further consideration; the committee was discharged accordingly.

Mr. Speed, from the Committee of Privileges and Election, to whom was referred the contested election from the Senatorial district, composed of the counties of Greene and Lenoir, reported the following resolution, to wit:

Resolved by the Senate, That James B. Whitfield, the sitting member from the Senatorial district composed of the counties of Greene and Lenoir, received a majority of the whole number of legal votes polled for Senator in said district, in August last; that he was duly elected, and is entitled to his seat as a member of this House.

Which was read and laid on the table.

Mr. Waddell presented the memorial of Joshua Carman, of Cumberland county, praying the Legislature to emancipate his slave, Abel Payne; which was, on his motion, referred to the Committee of Propositions and Grievances.

Mr. Clingman presented a memorial from sundry citizens of Tennessee, praying the Legislature to grant a charter for a Turnpike road; which was read, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Waddell, from the committee to whom was referred the message of the Governor, transmitting a report from the Hon. George E. Badger, in relation to the suits recently pending in the Circuit and Supreme Court of the United States, reported the following resolutions:

Resolved, That it is just and proper that the sum of two thousand five hundred dollars be paid to the Hon. George E. Badger, as the additional sum contemplated in the original engagement entered into with him by the Governor of this State.

Resolved, That the sum of five hundred dollars, returned to the Public Treasurer by the Hon. David L. Swain, under the agreement with the Governor before mentioned, be refunded to him, with interest from the date of said return.

Which were read the first time and passed.

Received from the House of Commons a message, proposing to print the communication of his Excellency, the Governor, in relation to the affairs and condition of the University, therewith transmitted to the Senate; which was read and concurred in.

The Senate took up for consideration the bill, entitled a bill to amend the 53d chapter of the Revised Statutes concerning the Governor; and the engrossed bill, entitled a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; which were read the second time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate that the two Houses of this General Assembly adjourn *sine die* on the 4th of January next.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill concerning Jurors in Yancy county.

Ordered, That said bill be enrolled.

The bill entitled a bill to alter the time of holding the County Courts of Lincoln, was taken up and read the third time and passed, and ordered to be engrossed.

Mr. Clingman presented a bill entitled a bill to amend an act passed at the last session of the General Assembly, entitled an act to authorise the making of a Turnpike Road in Haywood county; which was read the first time and passed.

Mr. McDiarmid presented a bill supplementary to an act passed A. D. 1839, chapter the 30th, entitled an act to amend the inspection laws; which was read the first time and passed.

Mr. Waddell presented a bill entitled a bill to incorporate Fairfield Academy, in the county of Orange; which was read the first time and passed.

Mr. Shepard presented a bill, entitled a bill to grant certain privileges to the Princess Ann and Kempville Canal Companies; which was read the first time and passed.

Mr. Waddell presented a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which action may be brought, and quieting the titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise; and to repeal part of the said statute; which was read the first time and passed.

The resolution in favor of Robert B. Davis and others, was taken up and read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses vote immediately for officers of Cavalry attached to the 15th brigade of militia; and stating that Thomas A. Allison is in nomination for Colonel Commandant; Amos Weaver, for Lieutenant Colonel; and Edwin Falls, for Major; which was read and agreed to.

Whereupon the Speaker announced to the Senate that Messrs. Hill and Worth form our branch of the committee to superintend the election for officers of cavalry attached to the 15th brigade of militia—and the House of Commons was informed thereof by message.

The bill entitled a bill to incorporate the Greensboro' Guards, in the county of Guilford, was taken up and read the third time, and on motion of Mr. Morehead, amended and passed and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. McLaughlin and Ennett form their branch of the committee to superintend the election for Cavalry officers attached to the 15th brigade of militia; and that they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. ALLISON,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Cooper,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,

Messrs. Morehead,
Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Puryear,
Shepard,

Houlder,
Johnson,
Kerr,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,

Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Whitfield,
Wilson,
Worth—40.

FOR MR. WEAVER, Lieutenant Colonel.

MESSRS. Cooper,
Mitchell—2.

FOR MR. J. P. CALDWELL, L. Colonel,

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melchor,
Melvin,
McDiarmid,
Morehead,

MESSRS. Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Puryear,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Whitfield,
Wilson,
Worth—38.

FOR MR. FALLS, as Major.

MESSRS. Speaker,
Albright,
Bond,
Bynum,
Cooper,
Etheridge,
Exum,

MESSRS. Melvin,
Montgomery,
Moye,
Myers,
Orr,
Pasteur,
Pollock,

Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melehor,
McDiarmid,
Morehead,
Mitchell,

Reid,
Ribelin,
Selby,
Puryear,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Whitfield,
Wilson,
Worth—40.

The Senate took up for consideration the engrossed bill entitled a bill to amend the several revised statutes, entitled an act concerning sheriffs, an act concerning Clerks of the Superior and County Courts, and an act concerning constables; which was read the third time, the amendments agreed to and passed.

The resolution in favor of J. R. Siler and D. R. Lowry, was taken up and read the third time, and on motion of Mr. Bynum, amended and passed and ordered to be engrossed.

Mr. Hellen moved that the vote by which was rejected the engrossed bill to establish a county by the name of Cleaveland, be re-considered.

Mr. Spruill moved to lay that motion on the table; which was agreed to.

The engrossed bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, was taken up and read the second time, and on motion of Mr. McDiarmid, postponed indefinitely—yeas 23, nays 22.

Those who voted in the affirmative, were

MESSRS. Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Sloan,
Pollock,
Reid,
Ribelin,
Selby,
Spruill,
Ward,
Whitaker,
Whitfield,

Montgomery,
Orr,
Pasteur,

Williams,
Wilson—23.

Those who voted in the negative, were

Messrs. Albright,
Bond,
Bynum,
Clingman,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Johnson,
Melchor,

MESSRS. Morehead,
Mitchell,
Moore,
Moye,
Myers,
Puryear,
Shepard,
Speed,
Spiers,
Waddell,
Worth—22.

Mr. Worth, from the joint select committee appointed to superintend the election for cavalry officers attached to the 15th brigade of militia, reported that Messrs. Allison, as Col. Commandant; Weaver, as Lieutenant Col.; and Falls as Major, each having received a majority of the votes given, were duly elected—in which report the Senate concurred.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill authorising the Governor to appoint an agent in the county of Macon or Cherokee.

Ordered that said bill be enrolled.

The bill to amend the 102d chapter of the Revised Statutes, entitled revenue, was taken up, and read the second time and passed.

Also, the bill, entitled a bill to incorporate the Nantahal Turnpike Company, of the counties of Macon and Cherokee; which was read the second time and passed.

The Senate then took up for consideration the bill, entitled a bill making an appropriation for completing the Capitol, and for other purposes; which was read the third time, on motion of Mr. Spruill, amended, and, on motion of Mr. Moore, laid on the table,

Mr. Hellen moved that the Senate have a recess until Saturday Morning, ten o'clock; which motion was decided in the negative—yeas 17—nays 25. The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Exum,
Faison,
Gaither
Hawkins,
Hellen,
Hill,

MESSRS. Johnson,
Larkins,
Montgomery,
Pasteur,
Selby,
Sloan,
Whitaker,
Worth—17.

Those who voted in the negative, were

MESSRS. Bond,
Cooper,
Etheridge,
Houlder,
Kerr,
Melchor,
Melvin,
Mitchell,
McDiarmid,
Moore,
Morehead,
Moye,
Myers,

MESSRS. Orr,
Pollock,
Purveyor,
Reid,
Ribelin,
Speed,
Spruill,
Waddell,
Ward,
Whitfield,
Williams,
Wilson—25.

Whereupon, Mr. Speed moved that the Senate adjourn until Saturday morning, ten o'clock; which motion was also decided in the negative—yeas 15—nays 26.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Exum,
Gaither,
Hawkins,
Hellen,
Johnson,

MESSRS. Larkins,
Montgomery,
Sloan,
Speed,
Whitaker,
Whitfield,
Worth—15.

Those who voted in the negative, were

MESSRS. Bond,
Cooper,

MESSRS. Myers,
Orr,

Etheridge,	Pasteur,
Faison,	Pollock,
Houlder,	Puryear,
Kerr,	Reid,
Melchor,	Ribelin,
Melvin,	Selby,
Mitchell,	Spruill,
McDiarmid,	Waddell,
Moore,	Ward,
Morehead,	Williams,
Moye,	Wilson—26.

Mr. Moore then moved that the Senate adjourn until to-morrow morning, ten o'clock; which motion was decided in the affirmative—yeas 23—nays 15. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moye,
Bond,	Myers,
Cooper,	Orr,
Etheridge,	Pasteur,
Faison,	Pollock,
Kerr,	Puryear,
Larkins,	Ribelin,
Melchor,	Selby,
Melvin,	Ward,
Mitchell,	Wilson,
McDiarmid,	Worth—23.
Moore,	

Those who voted in the negative, were

MESSRS. Bynum,	MESSRS. Reid,
Clingman,	Sloan,
Exum,	Speed,
Hawkins,	Spruill,
Hellen,	Whitaker,
Houlder,	Whitfield,
Johnson,	Williams—15.
Montgomery,	

So the Senate adjourned.

FRIDAY, DEC. 25, 1840.

Mr. Hill presented a petition from sundry citizens of the county of Duplin, praying the Legislature to authorise the Court of Pleas and Quarter Sessions of said county to appoint inspectors; which, on his motion, was referred to the Committee of Propositions and Grievances.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the resolution relative to giving each magistrate the first volume of the Revised Statutes, reported adversely thereto, and asked to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Waddell, from the Select Committee appointed to make an abstract of the census, reported a detailed account thereof. The committee was discharged from the further consideration of the subject.

Ordered, That the report be printed.

Mr. Clingman presented the following resolution:

Resolved, That the Public Treasurer be instructed to pay to Samuel Waters twenty dollars, the amount originally paid to the State by him for two hundred acres of land lying in Macon county, in 17th district, on the west side of Tennessee River, granted on the 23rd day of February, 1838, *Provided nevertheless*, that the said Samuel Waters shall first surrender up the said grant, No. 84, to the Secretary of State, to be cancelled.

Which was read the first time and passed, and on his motion referred to the Committee of Claims.

Mr. Pollock moved that the Senate adjourn until tomorrow morning ten o'clock; which motion was decided in the negative—yeas 6, nays 28.

The yeas and nays were demanded by Mr. Speed,

Those who voted in the affirmative, were

MESSRS. Hellen,
Hill,
Larkins,

MESSRS. Pasteur,
Pollock,
Sloan—6.

Those who voted in the negative, were

MESSRS. Bynum,

MESSRS. Moore,

Clingman,	McDiarmid,
Cooper,	Morehead,
Etheridge,	Moye,
Exum,	Myers,
Faison,	Orr,
Gaither,	Puryear,
Hargrave,	Ribelin,
Houlder,	Selby,
Johnson,	Speed,
Kerr,	Spiers,
Melchor,	Waddell,
Melvin,	Ward,
Mitchell,	Worth—28.

Mr. Ribelin moved that the vote by which was postponed indefinitely the engrossed bill entitled a bill concerning pilots and commissioners of navigation for Cape Fear River, be re-considered.

Mr. Morehead moved to lay the motion on the table; which was agreed to.

Mr. Cooper moved that the Senate adjourn until to-morrow morning ten o'clock; which motion was decided in the negative—yeas 8, nays 30.

The yeas and nays were demanded by Mr. Mitchell.

Those who voted in the affirmative, were,

MESSRS. Cooper,	MESSRS. Melvin,
Hellen,	Pasteur,
Hill,	Pollock,
Larkins,	Sloan—8.

Those who voted in the negative, were

MESSRS. Bond,	MESSRS. McDiarmid,
Bynum,	Moye,
Clingman,	Myers,
Etheridge,	Moore,
Exum,	Orr,
Faison,	Puryear,
Gaither,	Ried,
Hargrave,	Ribelin,
Houlder,	Selby,
Johnson,	Speed,
Kerr,	Spiers,
Melchor,	Waddell,

Mitchell,
Montgomery,
Morehead,

Ward,
Wilson,
Worth—30.

Mr. Morehead presented a bill entitled a bill to make trespass upon land and other property indictable in certain cases; which was read the first time and passed.

Mr. Clingman presented a bill entitled a bill concerning jurors in Cherokee county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills:

A bill for the relief of the Wilmington and Raleigh Rail Road Company.

A bill to amend the Revised Statutes, entitled an act for the appointment of Electors to vote for President and Vice President of the United States.

A bill to make elections uniform throughout the State, and amendatory of the Revised Statute concerning the General Assembly of the State, concerning the mode of choosing the Representatives in the Congress of the United States, concerning the Governor of the State, concerning the Sheriffs, and concerning the Clerks of the County and Superior Courts.

In which they ask the concurrence of the Senate.

Said bills were each read the first time and passed. The bill for the relief of the Wilmington and Raleigh Rail Road Company was ordered to be printed.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the bill to incorporate the North Carolina Land and Mining Company, reported the same to the Senate, and asked to be discharged from its further consideration. The report and bill were ordered to lie on the table.

On motion of Mr. Speed, the resolution relative to the contested election of James B. Whitfield, was taken up, read and adopted.

On motion of Mr. Speed, Messrs. Harper and Whitfield are permitted to withdraw from the files of the Senate the documents of each relative to the contested election of said Whitfield.

The Senate took up for consideration the bill entitled a bill to incorporate the Nantahalalah Turnpike Company, of the counties of Macon and Cherokee; a bill to amend the 53rd chapter of the Revised Statutes concerning the Gov-

error; a bill to amend the 102d chapter of the Revised Statutes, entitled revenue; and the resolution in favor of Robert B. Davis and others; which were severally read the third time and passed, and ordered to be engrossed.

The engrossed bill entitled a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort, was taken up and read the third time and passed and ordered to be enrolled.

On motion of Mr. Waddell, the bill entitled a bill to incorporate Fairfield Academy, was taken up and read the second time and passed.

Mr. Larkins moved that the Senate adjourn until tomorrow morning ten o'clock; which motion was decided in the negative—yeas 14, nays 21. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were,

MESSRS. Bond,
Cooper,
Exum,
Faison,
Hellen,
Hill,
Kerr,

MESSRS. Larkins,
Melvin,
McDiarmid,
Morehead,
Orr,
Reid,
Worth—14.

Those who voted in the negative, were

Messrs. Bynum,
Clingman,
Etheridge,
Gaither,
Hargrave,
Houlder,
Johnson,
Melchor,
Mitchell,
Moore,
Montgomery,

MESSRS. Moye,
Myers,
Pollock,
Puryear,
Selby,
Speed,
Spiers,
Waddell,
Ward,
Wilson—21.

Mr. Clingman moved that the vote by which was adopted the recommendation of Justices of the Peace for the county of Macon, be re-considered; which was agreed to; and on his motion laid on the table.

The bill supplementary to an act passed A. D. 1839,

chapter 30, entitled an act to amend the inspection laws, was taken up and read the second time and passed.

Mr. Reid moved that the Senate adjourn until to-morrow morning ten o'clock; which motion was decided in the negative—yeas 12, nays 25. The yeas and nays were demanded by Mr. Melvin.

Those who voted in the affirmative, were

MESSRS. Bond,	Melchor,
Cooper,	Moore,
Hargrave,	Morehead,
Hellen,	Reid,
Hill,	Sloan,
Kerr,	Worth—12.

Those who voted in the negative, were

MESSRS. Bynum,	Moye,
Clingman,	Myers,
Etheridge,	Orr,
Exum,	Pollock,
Faison,	Puryear,
Gaither,	Ribelin,
Houlder,	Selby,
Johnson,	Speed,
Larkins,	Spiers,
Melvin,	Waddell,
Mitchell,	Ward,
McDiarmid,	Wilson—25.
Montgomery,	

On motion of Mr. Waddell, the bill "entitled a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which actions may be brought, and for quieting titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said Statute, was taken up, and on his motion referred to the Committee on the Judiciary.

The bill entitled a bill to grant certain privileges to the Princess Anne and Kempville Canal Companies, was taken up, and on motion of Mr. McDiarmid, laid on the table.

Mr. Moore moved, that the Senate adjourn till to-mor-

row morning 10 o'clock, which motion was decided in the affirmative—Yeas 18—Nays 18.

The Yeas and Nays were demanded by Mr. Gaither.

Those who voted in the affirmative, were

MESSRS. Bond,	MESSRS. Moore,
Cooper,	Morehead,
Etheridge,	Orr,
Hargrave,	Reid,
Hellen,	Sloan,
Hill,	Spiers,
Kerr,	Ward,
Larkins,	Wilson,
Melchor,	Worth—18.

Those who voted in the negative, were

MESSRS. Bynum,	MESSRS. Moye,
Clingman,	Myers,
Exum,	Pollock,
Faison,	Puryear,
Houlder,	Ribelin,
Johnson,	Selby,
Mitchell,	Speed,
McDiarmid,	Waddell—18.
Montgomery,	

The Speaker voted in the affirmative. So the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, DEC. 26, 1840.

The Speaker presented a memorial from sundry citizens of the county of Robeson, praying the Legislature to grant them a charter for a canal from Lumber river to Cape Fear river; which was read, and on motion of Mr. Spruill, referred to the Committee on Internal Improvement.

Mr. Spruill, from the Committee on Finance, reported the following resolution, to wit:

Resolved, That the Public Treasurer be directed to pro-

ceed to the speedy collection of all the notes or bonds now on file in the Treasury Office, other than Cherokee bonds.

Which was read the first time and passed.

Mr. Clingman presented the following resolution:

Resolved, That the Committee on the Judiciary, be instructed to enquire whether the General Assembly have power to repeal the law, giving banking privileges to the Louisville, Cincinnati and Charleston Rail Road Company; and also to enquire whether any action is necessary at this time, in relation to that matter.

Which was read and adopted.

Mr. Shepard, from the select committee, to whom was referred the communication from the Hon. William Gaston, relative to repairing the Statue of Washington, reported the following Preamble and Resolution:

WHEREAS, in a communication from the Hon. William Gaston, information has been received that Mr. John Frazer, of New York, a native artist, and a man of the most respectable standing, will undertake to replace whatever part of the Statue of Washington has been destroyed, or is missing; and unless he succeeds to the entire satisfaction of the committee, (who may be appointed to superintend the work) he will not charge a cent, and that no advances of any sort will be required:

Be it therefore resolved, That the Governor be requested to inform Mr. Frazer, of New York, that he has the permission of the Legislature of North Carolina, to examine and experiment upon the remains of the Statue of Washington, provided he does not remove said remains from the City of Raleigh, and shall conduct said experiments at his own expense.

Which were read the first time and passed.

Mr. Gaither presented a bill, entitled a bill concerning Jurors, in Burke county; which was read the first time and passed.

The bill, entitled a bill to incorporate Fairfield Acade-

my, in the county of Orange, was taken up, and read the third time and passed, and ordered to be engrossed.

Also the bill, entitled a bill supplementary to an act, passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws; which was read the third time, and, on motion of Mr. McDiarmid, amended and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the militia—in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

The Senate proceeded to consider the engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes concerning the mode of choosing representatives in the Congress of the United States; concerning the Governor of the State; concerning Sheriffs; and concerning Clerks of the County and Superior Courts; which was read the second time and passed, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act providing for the appointment of Electors to vote for President and Vice President of the United States, was taken up and read the second time and passed, and, on motion of Mr. Spruill, referred to the Committee on the Judiciary.

The Senate then took up for consideration the bill, entitled a bill concerning Jurors in Cherokee county; and the bill, entitled a bill to amend an act passed at the last session of the General Assembly, entitled an act authorising the making a Turnpike Road in Haywood county; which were read the second time and passed.

The bill, entitled a bill to make trespass on land and on other property, indictable in certain cases, was taken up and read the second time; and on motion of Mr. Bynum, referred to the Committee on the Judiciary.

The engrossed bill, entitled a bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and read the second time. Mr. Wilson moved to amend the bill by adding after the 12th section, the following:

Be it further enacted, That the private property of the

individual stockholders in said company, shall be liable to the amount of stock owned by each, in addition to the property of said company, for the payment of the principal and interest of the loan authorised to be made by this act; and before this act goes into operation, there shall be a general meeting of the stockholders, who shall agree to accept the credit of the State on the terms herein proposed; and, in said general meeting, those who own three-fifths in amount of the individual stock shall agree to accept the same; and the President of the Company shall officially make known to the Public Treasurer the names of the individual stockholders, who shall agree to accept the same, with the amount of stock held by each in said company.

Which was read and rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Bynum,
Cooper,
Etheridge,
Exum,
Faison,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. McDiarmid,
Moye,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Williams,
Wilson—20 yeas.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Clingman,
Gaither,
Hargrave,
Hellen,
Hill,
Melchor,
Moore,
Morehead,
Montgomery,
Myers,

MESSRS. Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Waddell,
Worth—23 nays.

The bill was then put upon its passage, and the ques-

tion was decided in the affirmative—yeas 24, nays 19.—
The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Morehead,
Bond,	Montgomery,
Bynum,	Myers,
Clingman,	Parks,
Gaither,	Puryear,
Hargrave,	Ribelin,
Hellen,	Selby,
Hill,	Shepard,
Melchor,	Sloan,
Mitchell,	Spiers,
McDiarmid,	Waddell,
Moore,	Worth—24 yeas.

Those who voted in the negative, were

MESSRS. Cooper,	MESSRS. Pasteur,
Etheridge,	Pollock,
Exum,	Reid,
Faison,	Speed,
Houlder,	Spruill,
Kerr,	Ward,
Larkins,	Whitaker,
Melvin,	Williams,
Moye,	Wilson—19 nays.
Orr,	

Mr. Clingman presented a bill, entitled a bill supplemental to an act passed at this session, authorising the Governor to appoint an agent to collect the Cherokee bonds; which was read the first time and passed.

On motion of Mr. Exum, the Senate adjourned until Monday morning, ten o'clock.

MONDAY, DECEMBER 28, 1840.

Mr. Shepard, from the Committee on Internal Improvement, to whom was referred the Resolution relative to Lumber River, reported the following Resolution:

Resolved, That Two Thousand Seven Hundred and Fifty Dollars, be appropriated out of any money in the Treasury, not otherwise appropriated, to be spent under the superintendence of the Board of Internal Improvements, for removing obstructions in Lumber River, and for the survey of the shortest and most practicable route between Lumber River and the Cape Fear, and report the same to the next Legislature.

Which was read the first time, and passed.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing Representatives in the Congress of the United States, concerning the Governor of the State, concerning Sheriffs, and concerning Clerks of the County and Superior Courts, reported the same to the Senate, without amendment; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the Engrossed bill to amend the Revised Statutes, entitled an act, providing for the appointment of Electors to vote for President and Vice President of the United States, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Faison, from the Joint Select Committee, to whom was referred the petition of Jesse W. Moore and others, Citizens of Greene County, reported the following Resolution, to wit:

Resolved, That the Treasurer pay to Jesses W. Moore, Thomas Hughes and William V. Dupree, out of any money not otherwise appropriated, Ten Dollars each, for services rendered agreeable to the Laws of North Carolina, for attending a Court Martial in the County of Craven, for the trial of Col. Russell.

Which was read the first time, and passed.

Mr. Reid presented a bill, entitled a bill, to regulate stays and appeals, so far as they concern the collection of Bank Notes; which was read the first time and passed.

The bill, entitled a bill, concerning Jurors in Cherokee County, and the bill, entitled a bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act to authorise the making a Turnpike Road in Haywood County, were taken up and read the third time, and passed, and ordered to be engrossed.

The Senate took up for consideration, the bill, entitled a bill supplemental to an Act passed at this Session, authorising the Governor to appoint an Agent to collect the Cherokee bonds; which was read the second time, and passed.

The Engrossed bill entitled a bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and read the third time, and passed by the following vote—Yeas 23—Nays 19.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Montgomery,
Bond,	Myers,
Bynum,	Parks,
Clingman,	Puryear,
Gaither,	Ribelin,
Hargrave,	Selby,
Hellen,	Shepard,
Hill,	Sloan,
Melchor,	Spiers,
Mitchell,	Waddell,
Moore,	Worth—23.
Morehead,	

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Orr,
Cooper,	Pasteur,
Etheridge,	Pollock,
Edwards,	Reid,
Faison,	Spruill,
Hawkins,	Ward,
Kerr,	Whitaker,
Larkins,	Wilson,
Melvin,	Williams—19.
Moye,	

The Resolution concerning the draining of Lake Mattamuskeet, was taken up, and read the second time, and on motion Mr. Waddell, laid on the table.

Received from the House of Commons a message, stating that Messrs. Gray, Dickson, Monroe and Holt, form their branch of the committee on enrolled bills for this week.

Whereupon the Speaker announced to the Senate that Messrs. Reid and Moye form our branch of the committee on enrolled bills for this week—and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Shepard, Spruill, Hill, Hellen and Cooper, form our branch of the committee to whom was referred the subject of French Spoliations—and the House of Commons was informed thereof by message,

The engrossed bill, entitled a bill to lay off and establish a county by the name of Caldwell; and the bill, entitled a bill to lay off and establish a county by the name of McDowell, were taken up and read the second time, and laid on the table.

On motion of Mr. Waddell, the Senate took up for consideration, the resolutions in favor of George E. Bandger and D. L. Swain; which were read the second time and passed.

On motion of Mr. Clingman, the engrossed bill, entitled a bill repealing the act relating to the public road in Baneombe county, was taken up and read the second time and passed.

On motion of Mr. Shepard, the Senate took up the bill, entitled a bill in favor of Princess Ann Kempville Canal Company; which was read the second time; and on motion of Mr. Etheridge, amended and passed.

On motion of Mr. Spruill, the bill, entitled a bill making an appropriation for completing the Capitol of the State, and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

On motion of Mr. Montgomery,

Ordered, That Mr. McDiarmid have leave of absence from the service of the Senate, from and after to-day until Wednesday next.

The resolution concerning the Statue of Washington, was taken up read the second time and passed.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, ten o'clock.

TUESDAY, DEC. 29, 1840.

Mr. Moore, from the committee of Proposition and Grievances, to whom was referred the memorial of Joseph Harman of Cumberland county, relative to the emancipation of his negro Abel Payne, reported adversely thereto; which was read and concurred in.

Mr. Bond; from the committee on claims, to whom was referred the resolution in favor of Sam'l Waters, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Whitaker presented the following resolution:

Resolved, That the Public Treasurer pay to William Stronach, twelve dollars and seventy cents, for labor done in the Capitol; and that the same be allowed him in the settlement of his account.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

Resolution in favor of Peter Fausts' representative.

Resolution directing the Secretary of State to deposite certain documents in the library of the University.

Resolution in favor of Mark H. Hill. Also an engrossed bill, to amend the Revised Statute, entitled an act, concerning registers. In which they ask the concurrence of the Senate.

Said resolutions and bill were severally read the first time and passed.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to repeal in part the 9th section of the 23d chapter of the Revised Statutes, concerning the Comptroller.

Received from the House of Commons a message, stating that J. O'K. Williams, Guyther, Kerr, W. N. H. Smith and Farrar, form their branch of the committee on the subject of French Spoliations.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed resolution in favor of Isaac Hunter.

Ordered that said resolution be enrolled.

Received from the House of Commons the resignation of Charles E. Johnson, a Justice of the Peace; and James McDowell, a Justice of the Peace for the county of Burke; which were read and accepted.

The resolution concerning the Statue of Washington, was taken up, and read the third time and passed by the following vote—yeas 25—nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Bond,
Bynum,
Clingman,
Edwards,
Etheridge,
Faison,
Gaither
Hargrave,
Hawkins,
Hellen,
Hill,
Melchor,
Mitchell,

MESSRS. Moore,
Morehead,
Montgomery,
Myers,
Parks,
Pollock,
Purveyor,
Selby,
Shepard,
Speed,
Spiers
Waddell—25.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Cooper,
Houlder,
Kerr,
Larkins,
Melvin,
Moye,
Orr,
Pasteur,

MESSRS. Reid,
Ribelin,
Sloan,
Spruill,
Ward,
Whitaker,
Williams,
Wilson,
Worth—19.

Ordered that said resolution be engrossed.

The bill, entitled a bill in favor of the Princess Anne and Kempville Canal Company, was taken up, and read the third time and passed, and ordered to be engrossed,

Mr. Wilson moved the following resolution:

Resolved, That the resolution in regard to the payment of two thousand five hundred dollars to Geo. E. Badger, and to refund five hundred dollars to Hon. D. L. Swain, be referred to the Committee on Claims, with instructions to enquire what *fees* have been paid to Counsel for attending to the suits in the Supreme Court of the State, for vacating the grants of Esselmore, Holdeman, Lattemore and others; and also for attending to the suits in the Federal Court and the Supreme Court of the United States.

Which was read and agreed to. Said resolution was then taken up, and referred accordingly.

The bill, entitled a bill supplemental to an act, passed at this session, authorising the Governor to appoint an agent to collect the Cherokee bonds, was taken up, and read the third time, and, on motion of Mr. Mitchell, amended and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act providing for the appointment of electors to vote for President and Vice President of the United States, was taken up and read the third time and passed, and ordered to be enrolled.

On motion of Mr. Worth, the Senate took up for consideration the bill, entitled a bill, for the establishment and better regulation of Common Schools, which was read.

Mr. Shepard moved to amend the bill by striking out the word *white*, in the first section, and insert in lieu thereof the word *federal*.

Mr. Waddell called for a division of the question.

The question on striking out the word *white*, was decided in the affirmative—Yeas 24—Nays 21.

The Yeas and Nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Faison,
Hawkins,
Hill,
Houlder,

MESSRS. Moye,
Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Sloan,
Speed,
Spiers,

Johnson,
Larkins,
Melvin,

Spruill,
Whitaker,
Wilson—24.

Those who voted in the negative, were

MESSRS. Albright,
Bynum,
Clingman,
Gaither,
Hargrave,
Hellen,
Kerr,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Waddell,
Ward,
Williams,
Worth—21.

The question then recurred on inserting the word *federal*, which was also decided in the affirmative—yeas 25, nays 21. The yeas and nays were demanded by Mr. Spruill.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Faison,
Hawkins,
Hill,
Houlder,
Johnson,
Larkins,
Melvin,
Moye,

MESSRS. Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Whitaker,
Whitfield,
Wilson— yeas 25.

Those who voted in the negative, were

Messrs. Albright,
Bynum,
Clingman,
Gaither,
Hargrave,
Hellen,

Messrs. Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,

Kerr,
Melchor,
Mitchell,
Moore,
Morehead,

Waddell,
Ward,
Williams,
Worth— nays 21.

Mr. Mitchell then moved to amend the bill by striking out all after the enacting clause; and then, on his motion, the bill and amendment were laid on the table.

On motion of Mr. Moye, Mr. Puryear was added to the committee on Claims.

Mr. Morehead, from the committee on the Judiciary, to whom was referred the resolution requiring them to examine into the expediency of repealing the act conferring banking privileges on the Louisville, Cincinnati and Charleston Rail Road Company, reported adversely thereto, and asked to be discharged from its further consideration. The committee was discharged accordingly.

Mr. Morehead, from the same Committee, to whom was referred the bill concerning the Banks established, and those which may hereafter be established in this State, reported the same to the Senate without amendment; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the bill, entitled an Act to amend and explain the Revised Statute; entitled an Act for limiting the time within which actions may be brought, and for quieting titles to land and slaves, and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said Statute, reported the same to the Senate without amendment, and recommended its passage; which was read and laid on the table.

Mr. Morehead, from the same Committee, to whom was referred the bill concerning the collection of debts by the Banks of this State, reported adversely thereto, and asked to be discharged from its further consideration; which was read and laid on the table.

The bill for the relief of the Raleigh and Gaston Rail Road Company, and the bill to regulate stays and appeals, so far as they concern the collection of Bank Notes, were taken up and ordered to lie on the table.

Mr. Moore presented the following Resolution:

Resolved, That from and after this day, the Senate will hold evening Sessions.

Which was read and adopted.

A bill, entitled a bill concerning Jurors in Burke County, was taken up and read the second time and passed.

The Resolution in favor of Thomas W. Moore and others, was then taken up and read the second time, and on motion of Mr. Whitfield, laid on the table.

Mr. Bynum presented a bill, entitled a bill to incorporate the town of Rutherfordton; which was read the first time and passed.

On motion of Mr. Speed, the Senate adjourned until to-morrow, ten o'clock.

WEDNESDAY, DEC. 30, 1840.

The Speaker presented to the Senate a memorial from sundry citizens of Robeson county, praying the Legislature to pass an act to restrain free persons of color from selling spiritous liquors; which was read, and on motion of Mr. Melchor, referred to the committee of Propositions and Grievances.

Mr. Moore, from the committee of Propositions and Grievances, to whom was referred the memorial of sundry citizens of Tennessee, relative to a turnpike road, reported adversely thereto; which was concurred in.

Mr. Moore, from the same committee, to whom was referred the petition of sundry citizens of Duplin county, relative to the appointment of inspectors, reported adversely thereto; and asked to be discharged from the further consideration of the subject. The committee was discharged accordingly.

Received from the House of Commons a message, stating that they had passed the engrossed bill directing the conveyance of the commons adjoining the town of Murphy, to the chairman of the county court of Cherokee, with the following amendment, to wit: strike out in the 7th line of the 2nd section, the words *five dollars*, and insert fifty cen's; in which they ask the concurrence of the Senate; which was read and not concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills.

A bill to enlarge the limits of the town of Wadesborough, in Anson county.

A bill to empower the County Court of Burke to regulate the Jury for the Superior and County Courts.

A bill giving the Court of Pleas and Quarter Sessions of Cherokee County jurisdiction over the State Road in said County.

A bill to attach a part of the County of Iredell to the County of Wilkes.

A bill to amend an Act, entitled an Act to amend the 58th Chapter of the Revised Statutes, entitled Insolvent Debtors.

A bill to amend an Act of 1838, laying off a road from Burnsville in Yancy County, to the Tennessee line.

In which they asked the concurrence of the Senate. Said bills were severally read the first time and passed.

Received from the House of Commons a message, proposing that the Joint Select Committee on so much of the Governor's Message as relates to Banks, and the increase of Banking Capital in this State, be instructed to report forthwith, and for that purpose that the said Committee have leave to hold their sittings during the sittings of the two houses, which was read and laid on the table.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the town of Henderson, in the county of Granville—in which they ask the concurrence of the Senate. Said bill was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

X Resolution directing a loan of ten thousand dollars to Wake Forest College.

Resolution in favor of John S. Smith, former commissioner of the Nantahala Mountain.

In which they ask the concurrence of the Senate.

Said resolutions were read the first time and passed.

Received from the House of Commons a message, stating they have passed the following engrossed bills:

A bill to alter and amend the 9th chapter of the Revised Statutes, entitled auctions and auctioneers.

A bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes.

A bill to lay off and establish a road down the Blue

Ridge, from the line of the county of Yancey to Turkey Cove Creek, in Burke county.

A bill to authorise the laying off and establishing a Turnpike Road from Laxton Linche's, in Rutherford county, to the Widow Sails', in Buneombe county.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed.

On motion of Mr. Shepard, the Senate resolved itself into a Committee of the Whole, Mr. Spruill being called to the Chair; the resolution relating to Lumber river was then taken up, and read the second time and amended; whereupon, the committee rose, and the Chairman reported the resolution and amendments to the House; the amendments were agreed to; the resolution then passed, as amended.

On motion of Mr. Larkins, the bill for the establishment and better regulation of Common Schools, was taken up; whereupon, on motion of Mr. Bynum, the Senate resolved itself into a Committee of the Whole, Mr. Edwards being called to the Chair. The amendment to strike out all after the enacting clause, proposed by Mr. Mitchell, was decided in the negative. The committee then rose, and the Chairman reported the bill to the House, and asked leave to sit again; which was agreed to.

Mr. McDiarmid presented the following resolution:

Resolved, That the Board of Internal Improvement pay to the Treasurer and Director of the Fayetteville and Western Rail Road Company, the sum of five thousand one hundred and eighty dollars and thirty cents, being two-fifths of the cost of the survey and estimates of the road made by said company.

Which was read the first time and passed, and, on his motion, referred to the Committee on Internal Improvements.

Mr. Speed presented a bill, entitled a bill to authorise the making a Turnpike Road from Gatesville to the Chowan river, and to incorporate a company for that purpose; which was read the first time and passed.

Mr. McDiarmid presented a bill, entitled a bill to incorporate the Little River Manufacturing Company; which was read the first time and passed.

On motion of Mr. Moyer, the Senate took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met, agreeably to adjournment.

The bill concerning Jurors in Burke county, was taken up, and read the third time and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill repealing the act relating to the public road in Buncombe county, was taken up, and read the third time and passed, and ordered to be enrolled.

The engrossed bill, entitled a bill to amend the Revised Statute, entitled an act concerning Registers, was read the second time and passed.

The resolution in favor of William Stronach, was taken up and read the second time, and on motion of Mr. Whitaker, referred to the Committee on Claims.

The Senate took up for consideration, the engrossed resolution in favor of Peter Faust's representatives; which was read the second time and rejected.

The engrossed resolution directing the Secretary of State to deposite certain documents in the Library of the University, was read the second time and passed.

The engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing representatives in the Congress of the United States; concerning the Governor of the State; concerning Sheriffs; and concerning Clerks of the County and Superior Courts, was read the second time. Mr. Moyer moved to amend the bill, by striking out the words "*the first Thursday in August,*" and inserting in lieu thereof the words "*the last Thursday in July;*" which was rejected. Mr. Spruill moved to amend the first section, by inserting in the 7th line, after the word "counties," the words "*except the county of Tyrrell*"; which motion did not prevail. Mr. Spruill also moved to strike out in the third section, all after the word "of" in the 11th line, to the first "of" in the 12th line; which was not agreed to. He further moved to strike out in the 3d section and 11th line the word "also"; which was also rejected. The bill was then put

upon its passage, and decided in the affirmative—yeas 37, nays 7. The yeas and nays were demanded by Mr. Moyer.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hargrave,
Hawkins,
Hellen,
Hill,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,

MESSRS. Mitchell,
McDiarmid,
Montgomery,
Myers,
Orr,
Parks,
Purveyor,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Ward,
Whitaker,
Whitfield,
Wilson,
Worth—37.

Those who voted in the negative, were

MESSRS. Johnson,
Moore,
Moyer,
Pollock,

MESSRS. Ried,
Spruill,
Williams—7.

The bill fixing the time at which the Superior Courts of Law and Equity shall be held hereafter, in the several counties composing the 7th Judicial circuit, was taken up and read the third time, and, on motion of Mr. Gaither, amended and passed, and ordered to be engrossed.

Mr. Albright presented the following resolution:

Resolved, That a message be sent to the House of Commons, asking their concurrence in rescinding the resolution adopted to adjourn on Monday next.

Which was read, and, on motion of Mr. Spruill, laid on the table.

The bill, entitled a bill to incorporate the town of Ruth-

erfordton, was then taken up, and read the second time, on motion of Mr. Bynum, amended and passed.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DEC. 31, 1840.

Mr. Moore presented the resignation of David Hendricks, a justice of the peace for the county of Stokes; which was read and accepted.

Received from the House of Commons a message, transmitting to the Senate the report of the committee on Finance, proposing to print it; which was read and concurred in.

Received from the House of Commons the resignation of Edward Nelson, a justice of the peace for the county of Craven; Stephen Woodward, a justice of the peace for the county of Wayne; and A. Polk, a justice of the peace for the county of Anson; which were severally read and accepted.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

A resolution in favor of James Erwin;

A resolution in favor of W. G. Lamb.

In which they ask the concurrence of the Senate.

Said resolutions were read the first time and passed.

The engrossed resolution directing the Secretary of State to deposit certain documents in the Library of the University, was taken up and read the third time and passed, and ordered to be enrolled.

Also the engrossed bill entitled a bill to amend the Revised Statute, entitled an act concerning Registers, was read the third time and passed and ordered to be enrolled.

The Senate then took up for consideration the bill entitled a bill to incorporate the town of Rutherfordton; which was read the third time and passed, and ordered to be engrossed.

The engrossed bill, entitled a bill to make elections uniform throughout the State, and amendatory of the Revised Statutes, concerning the mode of choosing representatives in the Congress of the United States, concerning

the Governor of the State, concerning sheriffs, and concerning clerks of the County and Superior Courts; which was read the third time and passed, and ordered to be enrolled.

The resolution concerning Lumber river, was read the third time and passed, and ordered to be engrossed.

Mr. Bynum presented the following resolution:

Resolved, That the Public Treasurer be requested to furnish a statement of the amount of surplus revenue received from the General Government, and of the disposition and investment of the same; and also a statement of the whole Literary Fund, specifying what portion of it has been received from the General Government, and what from other sources.

Which was read and adopted.

On motion of Mr. Clingman, the resolution in favor of Samuel Waters, was taken up, and read the second time and rejected.

On motion of Mr. Shepard, the Senate took up the resolution concerning the draining of lake Mattamuskeet; which was read the second time and rejected by the following vote:—Yeas 14, nays 30. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Bynum,
Clingman,
Edwards,
Etheridge,
Gaither,
Hawkins,
Hellen,

MESSRS. Mitchell,
Montgomery,
Selby,
Shepard,
Speed,
Spiers,
Spruill—14.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Exum,
Faison,

MESSRS. Moye,
Myers,
Orr,
Parks,
Pasteur,
Pollock,

Hill,
Houlder,
Johnson,
Kerr,
Melehor,
Melvin,
McDiarmid,
Moore,
Morehead,

Puryear,
Reid,
Ribelin,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—30.

On motion of Mr. Gaither, the Senate took up the engrossed bill to lay off and establish a road down the Blue ridge, from the line of the county of Yaney, to Turkey Cove creek, in Burke county; which was read the second time.

Mr. Moyer moved to strike out, in the third section, the words, "in the Treasury," and insert in lieu thereof the words, "belonging to the Internal Improvement Fund;" which was agreed to.

Mr. Reid then moved to strike out the third section of the bill; which motion did not prevail.

The bill then passed as amended.

On motion of Mr. Orr, the engrossed bill to lay off and establish a county by the name of Union, was taken up and read the second time and rejected.

On motion of Mr. Shepard, the bill for the establishment and better regulation of common schools, was taken up and made the special order of the day for Saturday next, at 11 o'clock, and each day thereafter till disposed of.

The Speaker presented to the Senate a communication from the Public Treasurer, transmitting therein the receipts, disposition and investment of the surplus revenue; which was read, and, on motion of Mr. Bynum, ordered to be printed.

Mr. Orr moved that the vote by which was rejected the engrossed resolution in favor of Peter Faust's representatives, be reconsidered; which was agreed to. The resolution was then read and rejected.

On motion of Mr. Mitchell, the Senate took a recess till half past three o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment.

The bill, entitled a bill to incorporate the Little River Manufacturing Company, was taken up and read the second time and passed.

On motion of Mr. Gaither,

Ordered, That a message be sent to the House Commons to make the necessary arrangements for the qualifications of the Governor elect to-morrow.

On motion of Mr. Shepard, the Senate resolved itself into a Committee of the whole, Mr. Edwards being called to the chair: the bill, entitled a bill for the establishment and better regulation of Common Schools, was taken up. Several amendments being made, on motion of Mr. Hellen, the committee rose; the Speaker resumed his chair, the chairman reported progress and asked leave to sit again.

On motion of Mr. Bynum,

Ordered, That Mr. Hargrave have leave of absence, from the service of the Senate from and after to-day, the remainder of the session.

On motion of Mr. Faison, the Senate adjourned until to-morrow morning, ten o'clock.

FRIDAY, JAN. 1, 1841.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the bill, entitled a bill to make trespass upon land and other property indictable in certain cases, reported the same to the Senate with amendments; which was read and laid on the table.

Mr. Puryear, from the Committee on Claims, to whom was referred a resolution directing them to inquire what amount of money has heretofore been paid to counsel, in the suits brought by Esselmore and others, reported thereon; which was read, and on motion of Mr. Wilson, laid on the table.

Mr. Worth presented a bill, entitled a bill to incorporate the Union Institute Library Society; which was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Mendenhall, Biggs, J. B. Jones, and Russell, form their branch of the committee to make arrangements for the qualification of the Governor elect.

Whereupon, the Speaker announced to the Senate, that Messrs. Gaither, Wilson, Waddell and Ward, form one branch of the committee to make arrangements for the qualification of the Governor elect—and the House of Commons was informed thereof by message.

The engrossed bill, to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy, to Turkey Cove Creek, in Burke county, was taken up and read the third time, amended, on motion of Mr. Gaither, and passed.

On motion of Mr. Montgomery, the engrossed bill, to lay off and establish a county by the name of Stanly, was taken up and put upon its passage the third reading; which question was decided in the affirmative—yeas 25—nays 7. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Hellen,
Hill,
Johnson,
Kerr,
Larkins,
Melchor,
Mitchell,

MESSRS. Moore,
Morehead,
Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Selby,
Waddell,
Ward,
Worth—25.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Exum,
Faison,

MESSRS. Pasteur,
Pollock,
Reid,
Speed,
Spruill,
Whitfield,

Houlder,
Melvin,
Moye,

Williams,
Wilson—17 nays.

Ordered, That said bill be enrolled.

The engrossed bill, to incorporate the Little River Manufacturing Company, was taken up and read the third time.

Mr. Wilson moved to amend the bill, by striking out the word "perpetual."

Pending the question, Mr. Melvin moved to lay the bill on the table; which was agreed to.

Mr. Ward moved that the motion to reconsider the bill, to lay off and establish a county by the name of Cleaveland, heretofore laid on the table, be taken up; which was agreed to.

The question was then taken on reconsidering the bill; which was decided in the affirmative—yeas 22—nays 20.—Mr Exum demanded the yeas and nays.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Hellen,
Johnson,
Melchor,
Mitchell,
Moore,

MESSRS. Morehead,
Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Speed,
Waddell,
Ward,
Worth—22.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,

MESSRS. Melvin,
Moye,
Pasteur,
Pollock,
Reid,
Selby,
Spruill,
Whitfield,
Williams,
Wilson—20.

The bill, then on motion of Mr. Bynum, was laid on the table.

Mr. Gaither, from the joint select committee, appointed to to make arrangements for the qualification of the Governor elect, reported thereon.

The report was then transmitted to the House of Commons.

Received from the House of Commons a message, stating that they are now ready to receive the Senate in their Hall, to proceed to the qualification of the Governor elect. Whereupon the Senate repaired to the Commons Hall.

Received from the House of Commons a message, stating that they insist on their amendment to the engrossed bill, directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the county court of Cherokee, and propose to raise a committee of conference to consist of three on the part of each House on the subject of this disagreement; which was read and concurred in.

Mr. McDiarmid, from the Committee on Internal Improvement, to whom was referred the resolution in favor of the Treasurer and Directors of the Fayetteville and Western Rail Road Company, reported the same to the Senate, and recommended its adoption; which was read and laid on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions :

A resolution respecting the re-opening the Roanoke Inlet.

A resolution in favor of James C. Turrentine.

In which they ask the concurrence of the Senate.

The first named resolution was read the first time and passed, and on motion of Mr. Reid, ordered to be printed.

The last named resolution was read the first time and passed.

The engrossed bill to attach a part of the county of Iredell, to the county of Wilkes, was read the second time and passed.

The engrossed bill to amend the 73d chapter of the Revised Statutes, entitled an act concerning the militia, was then taken up and read the second time and rejected.

The resolution concerning certain bonds in the Treasury office, was taken up and read the second time.

Mr. Clingman moved to amend the resolution by adding the words, "and the bonds given by the Justices of Haywood county for lands in that county purchased of the State;" which was rejected.

The question then was, shall the resolution pass? which was decided in the affirmative—yeas 29—nays 12. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Dockery,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melchor,
Melvin,

Messrs. Mitchell,
McDiarmid,
Moye,
Orr,
Pasteur,
Pollock,
Reid,
Spiers,
Spruill,
Waddell,
Whitfield,
Williams,
Wilson,
Worth—29.

Those who voted in the negative, were

MESSRS. Bynum,
Clingman,
Gaither,
Hawkins,
Hellen,
Moore,

Messrs. Montgomery,
Myers,
Puryear,
Selby,
Speed,
Ward—12.

On motion of Mr. Speed, the resolution concerning the day of adjournment, was taken up, read and adopted.

The engrossed resolution in favor of W. G. Lamb, and the engrossed resolution in favor of James Erwin, were read the second time and passed.

Mr. Morehead moved that the vote by which was rejected the resolution concerning the draining of lake Mattamuskeet, be reconsidered; which motion prevailed. The resolution was then laid on the table.

The engrossed resolution in favor of Mark H. Hill, was read the second time and rejected.

The bill to authorise the making a turnpike road from Gatesville to the Chowan river, and to incorporate a company for that purpose, was taken up and read the second time and passed.

The Senate proceeded to consider the engrossed bill to incorporate the town of Henderson, in the county of Granville; and the bill to authorise the laying off and establishing a turnpike road from Laxton Lynch's, in Ruthersford county, to the widow Sail's, in Buncombe county; which were read the second time and passed.

On motion of Mr. Spruill, the Senate took a recess untill half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill, entitled a bill to alter and amend the 9th chapter of the Revised Statutes, entitled Auctions and Auctioneers; which was read the second time, and, on motion of Mr. Morehead, referred to the committee on the Judiciary.

On motion of Mr. Worth, the Senate resolved itself into a committee of the Whole, Mr. Edwards being called to the chair. The bill for the establishment and better regulation of common schools, was taken up. Some time having been spent therein, on motion of Mr. Morehead, the committee rose, the speaker resumed the chair, and the chairman reported progress and asked leave to sit again.

On motion of Mr. McDiarmid, the bill to incorporate the Little River Manufacturing Company, was taken up and read the third time, and, on motion of Mr. Wilson, amended and passed, and ordered to be engrossed.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 2, 1841.

The Speaker announced to the Senate that Messrs. Clingman, Bynum and Bond form our branch of the committee of conference on the disagreement of the Senate

to the amendment proposed by the House of Commons to the bill directing the conveyance of the commons adjoining the town of Murphy to the chairman of the county court of Cherokee; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate, to rescind the resolution heretofore adopted by the two Houses, to adjourn *sine die* on Monday next.

Mr. Shepard, from the committee on Internal Improvement, to whom was referred the resolution inquiring into the expediency and practicability of removing the obstructions of Neuse river, reported that they recommend it as a work urgently demanding the attention of the Legislature; which was read, and, on motion of Mr. Shepard, laid on the table and ordered to be printed.

Mr. Morehead, from the committee on the Judiciary, to whom was referred the engrossed bill to alter and amend the 9th chapter of the Revised Statutes, entitled Auctions and Auctioneers, reported the same to the Senate without amendment, and recommended its passage; which was read and laid on the table.

Mr. Clingman introduced a bill, entitled a bill to incorporate the Hembie Turnpike Company, in the county of Cherokee; which was read the first time and passed.

Mr. Worth presented a bill, entitled a bill to incorporate the Trustees of the Union Institute Academy; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of John S. Russwurm; in which they ask the concurrence of the Senate. Said resolution was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions:

A resolution in favor of John Davis, sheriff of Lenoir;

A resolution in favor of claimants for French spoliations, prior to the year 1800.

In which they ask the concurrence of the Senate.

Said resolutions were read the first time and passed.

The engrossed bill, entitled a bill to incorporate the town of Henderson, in the county of Granville; and the engrossed resolution in favor of W. G. Lamb, were taken up, and read the third time and passed, and ordered to be enrolled.

X On motion of Mr. Wilson, the bill concerning the banks established, and those which may hereafter be established in this State, was taken up, and, on his motion, the consideration thereof postponed for the present.

The Senate resolved itself into a Committee of the Whole, Mr. Edwards being in the Chair, entered upon the orders of the day, and took up the bill for the establishment and better regulation of common schools: having spent some time therein, on motion of Mr. Cooper, the committee rose, the Speaker resumed the chair, and the chairman reported the bill and amendments to the Senate; after the amendments had been passed upon by the Senate, Mr. Mitchell moved to amend the bill, by striking out all of the first section except the enacting clause. Pending that question, on motion of Mr. Moore, the bill and motion were laid on the table.

X On motion of Mr. Speed, the Senate adjourned until Monday morning ten o'clock.

MONDAY, JANUARY 4, 1841.

The Speaker presented to the Senate a communication from George Templeman, proposing to furnish the State of North Carolina with a full set of the Laws, Documents and Journals of Congress, and other books necessary for the formation of a State Library; which was read, and, on motion of Mr. Dockery, laid on the table.

Mr. Dockery, from the Committee on Claims, to whom was referred a resolution in favor of William Stronach, reported the same to the Senate, and recommended its passage; which was read and laid upon the table.

Mr. Wilson, from the Committee on the Judiciary, to whom was referred the resolution enquiring into the expediency of passing a law to prevent the transportation of slaves, or free persons of color on board Steam Boats, Rail Roads, or Stages, reported a bill to prevent the transportation of slaves upon Rail Roads, Steam Boats or Stage Coaches, without written permission from their owners; which was read the first time and passed.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the President of the Raleigh and Gaston Rail Road Company, be required to furnish the Public Treasurer, officially, under the seal of the corporation, with a copy of the proceedings, and a list of the names of the Stockholders present, by proxy or in person, and the amount of stock owned by each, at the general meeting of the Stockholders, convened in Raleigh on the day of 1839, for the purpose of accepting the guarantee of the State for the loan authorised to be made at the last session of the General Assembly for the sum of \$500,000.

And resolved further, That in case the President of said Raleigh and Gaston Rail Road Company, shall fail or refuse to furnish the proceedings and list aforesaid, the Attorney General is hereby instructed to file a bill in the Superior Court of Wake county against the President and Directors of said company, requiring them to comply with the provisions of the foregoing resolution, to perpetuate evidence of those present at said general meeting of Stockholders.

Which were read the first time and passed.

Mr. Worth presented the following resolution:

Resolved, That the Comptroller of the State be, and he is hereby allowed a fee of ten cents on each and every certificate he may hereafter make to the Secretary of State on payments made into the Public Treasury for entries of vacant lands, the person claiming the entry to be responsible for the payment of said fee.

Which was read the first time and passed.

Mr. Selby presented a bill, entitled a bill to authorise Isaac Brooks, sheriff of Hyde county, to collect the arrears of taxes due him in said county; which was read the first time and passed.

Mr. Moore, from the Committee of Propositions and Grievances, to whom was referred the petition of Jacob Harman of Randolph county, praying the Legislature to emancipate his two slaves, reported adversely thereto. The report of the committee was concurred in.

Mr. Moore, from the same committee, to whom was referred the petition of sundry citizens praying the Legislature to repeal an act passed at the session of 1829 & '30, entitled an act concerning the liability of certain hands in

the town of Lincolnnton to work on roads, reported unfavorably thereto; which report was read and concurred in.

On motion of Mr. Whitfield, the resolution of Thomas W. Moore and others was taken up, read the second time, amended and passed.

The engrossed resolution in favor of James Erwin was taken up, read the third time and passed, and ordered to be enrolled.

Mr. Morehead, from the Joint Select Committee to whom was referred so much of the Governor's message as relates to the expediency of uniting the Board of Internal Improvement and the Literary Board, reported a bill entitled a bill to unite the Board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the Revised Statutes; which was read the first time and passed, and on motion of Mr. Spruill,

Ordered, That the bill and report be printed.

The Senate entered upon the order of the day, and took up the bill entitled a bill for the establishment and better regulation of Common Schools, being the unfinished business of Saturday. The question was then taken on striking out all of the first section of the bill, except the enacting clause, which was decided in the negative—yeas 19, nays 27. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Doekery,
Gaither,
Hellen,
Melchor,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Waddell,
Ward,
Worth—19.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,

MESSRS. Pasteur,
Pollock,
Ried,
Selby,

Etheridge,	Shepard,
Exum,	Sloan,
Faison,	Speed,
Hawkins,	Spiers,
Houlder,	Spruill,
Johnson,	Whitaker,
Kerr,	Whitfield,
Larkins,	Williams,
Melvin,	Wilson—27.
Moye,	

Mr. Clingman moved to strike out the proviso of the 5th section; which motion was decided in the affirmative—yeas 32—nays 14. ✓

The yeas and nays were demanded by Mr. Exum.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moore,
Arrington,	Morehead,
Bond,	Pasteur,
Bynum,	Pollock,
Clingman,	Purveyer,
Cooper,	Selby,
Dockery,	Shepard,
Edwards,	Speed,
Etheridge,	Spiers,
Faison,	Spruill,
Gaither,	Waddell,
Hawkins,	Ward,
Hellen,	Whitaker,
Hill,	Whitfield,
Johnson,	Williams,
Mitchell,	Worth—32.

Those who voted in the negative, were

MESSRS. Exum,	MESSRS. Montgomery,
Houlder,	Moye,
Kerr,	Myers,
Larkins,	Reid,
Melchor,	Ribelin,
Melvin,	Sloan,
McDiarmid,	Wilson—14.

Mr. Mitchell moved to strike out the 28th section and insert in lieu thereof the following, to wit:

Be it further enacted, That forty dollars out of the Literary Fund shall be, and is hereby appropriated to each School District of six miles square in those counties which have not heretofore drawn from the Literary Fund the appropriation under the act of 1838, and which have complied with the requisitions of the said act of 1838, by building school houses and laying taxes.

Which was read, and the question thereon was decided in the negative—yeas 22, nays 25. ~~X~~ The yeas and nays were demanded by Mr. Myers.

Those who voted in the affirmative, were

MESSRS. Bynum,
Clingman,
Cooper,
Etheridge,
Gaither,
Hellen,
Hill,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. McDiarmid,
Moye,
Myers,
Parks,
Pasteur,
Pollock,
Sloan,
Speed,
Whitaker,
Whitfield,
Williams—22.

Those who voted in the negative, were,

MESSRS. Albright,
Arrington,
Bond,
Dockery,
Edwards,
Exum,
Faison,
Hawkins,
Houlder,
Johnson,
Melchor,
Moore,
Morehead,

MESSRS. Orr,
Montgomery,
Puryear,
Reid,
Ribelin,
Selby,
Shepard,
Spiers,
Spruill,
Waddell,
Wilson,
Worth—25.

The question was then taken on the passage of the bill

the second reading; which was decided in the affirmative.

Mr. Spruill then moved that the rules of the Senate be suspended, so as to read the bill the third time; which motion prevailed.

Whereupon, Mr. Moyer moved to strike out the word "three" in the 6th line of the 8th section, and insert the words, "not less than three, nor more than six"; which was agreed to.

Mr. Reid moved to strike out in the fifteenth section the words "to designate the kind of books to be used in their respective schools;" which was decided in the affirmative by the following vote:

Those who voted in the affirmative, were

MESSRS. Arrington,	MESSRS. Montgomery,
Bond,	Moyer,
Dockery,	Myers,
Exum,	Orr,
Faison,	Pollock,
Houlder,	Reid,
Johnson,	Ribelin,
Kerr,	Sloan,
Larkins,	Ward,
Melchor,	Whitaker,
Melvin,	Williams,
McDiarmid,	Wilson—25.
Morehead,	

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Pasteur,
Bynum,	Parks,
Clingman,	Purveyer,
Cooper,	Selby,
Edwards,	Shepard,
Etheridge,	Speed,
Gaither,	Spiers,
Hawkins,	Spruill,
Hellen,	Waddell,
Hill,	Whitfield,
Moore,	Worth—22.

Mr. Exum moved to strike out the 28th section, and insert an amendment proposed by him.

Mr. Myers then moved to amend the amendment, by substituting therefor the words following:

Be it further enacted, That forty dollars out of the Literary Fund shall be, and is hereby appropriated to each school district of six miles square in those counties which have not heretofore drawn from the Literary Fund the appropriation under the act of 1838, to be paid to the chairman of the board of superintendents of common schools of said counties, or his lawful attorney, upon the warrant of the Comptroller; which shall be distributed by the superintendents among the several school districts in said counties, as provided in the sixteenth section of this act.

Mr. Wilson called for a division of the question.

The question then recurred on striking out the 28th section; which was decided in the affirmative—yeas 27—nays 16.

The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bynum,
Clingman,
Cooper,
Etheridge,
Exum,
Hellen,
Houlder,
Johnson,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Morehead,
Montgomery,
Moye,
Myers,
Orr,
Parks,
Sloan,
Waddell,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—27.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Dockery,
Edwards,
Faison,
Hawkins,

MESSRS. Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Spiers,

Kerr,
Moore,

Spruill,
Worth—16.

Mr. Exum then withdrew his amendment.

Mr. Morehead then moved to amend Mr. Myers' amendment, by inserting after the words 1838, "and which have complied with the requisitions of the said act of 1838, by building school houses and levying taxes;" which was rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Faison,
Mitchell,
Morehead,

MESSRS. Pasteur,
Spruill,
Worth—6.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melvin,
Melchor,

MESSRS. Moore,
McDiarmid,
Montgomery,
Moye,
Myers,
Orr,
Parks,
Pollock,
Puryear,
Reid,
Sloan,
Spiers,
Speed,
Waddell,
Whitaker,
Whitfield,
Williams,
Wilson—36.

The question then recurred on the amendment of Mr. Myers; which was decided in the affirmative—yeas 30—nays 13.

The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Albright,

MESSRS. Mitchell,

Arrington,
 Bynum,
 Cooper,
 Exum,
 Faison,
 Gaither,
 Hellen,
 Hill,
 Houlder,
 Johnson,
 Kerr,
 Larkins,
 Melchor,
 Melvin,

McDiarmid,
 Montgomery,
 Moye,
 Myers,
 Orr,
 Parks,
 Pollock,
 Ribelin,
 Sloan,
 Spiers,
 Waddell,
 Whitaker,
 Whitfield,
 Williams—30.

Those who voted in the negative, were

MESSRS. Clingman,
 Dockery,
 Edwards,
 Etheridge,
 Hawkins,
 Moore,
 Morehead,

MESSRS. Pasteur,
 Puryear,
 Reid,
 Spruill,
 Wilson,
 Worth—13.

Whereupon, Mr. McDiarmid moved to amend the bill, by striking out the 6th section; which was rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Exum,
 Gaither,
 Hill,
 Houlder,
 Johnson,
 Kerr,
 Melvin,
 Mitchell,
 McDiarmid,
 Moore,

MESSRS. Montgomery,
 Orr,
 Pollock,
 Reid,
 Ribelin,
 Whitaker,
 Whitfield,
 Williams,
 Wilson—19.

Those who voted in the negative, were

MESSRS. Albright,

MESSRS. Morehead,

Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Hawkins,
Hellen,
Larkins,

Melchor,
Moye,
Myers,
Parks,
Pasteur,
Puryear,
Sloan,
Spiers,
Speed,
Spruill,
Waddell,
Worth—27.

Mr. Dockery moved to strike out the words "*federal population*," and insert in lieu thereof the words, "*one half to each district of six miles square, and the other half in the ratio of white population*"; which was rejected by the following vote: *Affirmative 18, Negative 27*

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither
Hellen,
Melchor,
Mitchell,
McDiarmid,

MESSRS. Moore,
Morehead,
Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Waddell—18.

Those who voted in the negative, were

Messrs. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melvin,

Messrs. Moye,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spiers,
Spruill,
Whitaker,
Whitfield,
Williams,
Wilson,
Worth—27.

Mr. Bynum then moved to amend the bill by striking out all after the enacting clause of the first section, and inserting the following words:

“That the nett annual income of that portion of the Literary Fund derived from the General Government, shall annually be distributed among the several counties in this State in the ratio of their federal population; and the nett annual income of the remainder of said fund according to white population, to be ascertained by the census next preceding such distribution.”

Which was rejected by the following vote: 15629

Those who voted in the affirmative, were 28

MESSRS. Albright,
Bynum,
Clingman,
Hellen,
Melchor,
McDiarmid,
Moore,
Montgomery,

MESSRS. Morehead,
Myers,
Orr,
Puryear,
Ribelin,
Waddell,
Worth—15.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Gaither,
Hawkins,
Hill,
Houlder,
Johnson,
Kerr,

MESSRS. Larkins,
Melvin,
Mitchell,
Moye,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson—28.

Whereupon Mr. Morehead moved that the bill be postponed indefinitely; which motion was decided in the negative—yeas 11, nays 33. The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Bynum,
Clingman,
Gaither,
Melchor,
Mitchell,
Moore,

Messrs. Morehead,
Montgomery,
Orr,
Purveyor,
Ribelin—11.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melvin,

Messrs. McDiarmid,
Moye,
Myers,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Whitfield,
Williams,
Wilson,
Worth—33.

Mr. Reid then moved that the bill lie on the table; which was agreed to.

Mr. Hellen presented the following resolutions:

Resolved by the General Assembly of the State of North Carolina, That the sum of twenty thousand dollars be, and the same is hereby appropriated to the clearing out and removing of obstructions in the Neuse River, between Newbern and Smithfield.

Resolved further, That the Board of Internal Improvements be and they are hereby authorised and directed to apply the said appropriation to the purposes aforesaid, so as to render the Neuse River navigable for steam boats.

Which were read the first time and passed.

Received from the House of Commons a message, proposing to refer a bill to amend the act passed at the last session of the General Assembly, entitled an act for the relief of the Raleigh and Gaston Rail Road Company, and to secure the State against loss, in consequence of the guaranty by the said act directed of certain bonds of the said company, and for other purposes, to a Joint Select Committee of five on the part of each House; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Edwards, Waddell, Shepard, Mitchell and Kerr form our branch of the committee to whom is referred a bill to amend the act passed at the last session of the General Assembly, entitled an act for the relief of the Raleigh and Gaston Rail Road Company—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Pope, McMillan, J. W. Covington and Pemberton form their branch of the Committee on enrolled bills for this week.

Whereupon Messrs. Mitchell and Orr were appointed a committee on the part of the Senate on enrolled bills for this week—and the House of Commons was informed thereof by message.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, JANUARY 5, 1841.

Received from the House of Commons a message, stating that Messrs. Barringer, C. Jones, Rand, McClennehan and Eaton form their branch of the Joint Select Committee to whom is referred the bill for the relief of the Raleigh and Gaston Rail Road Company.

Received from the House of Commons a message, stating that Messrs. Reid, Moore and McClennehan form their branch of the Committee of Conference on the disagreement between the two Houses upon the amendment to the engrossed bill directing the conveyance of the Commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee; and that the report of the

Committee of Conference therewith transmitted to the Senate, is concurred in by the House of Commons.

Mr. Bynum, from the Joint Select Committee to which was referred so much of the Governor's message as relates to a Bank of the United States, and to an increase of our Bank capital, reported the following resolutions, to wit:

Resolved, That Congress has the constitutional power to charter a National Bank, as a fiscal agent of the Federal Government, and a regulator of the exchanges of the country.

Resolved, That it is the duty of Congress to establish such an institution with a moderate capital; but as the time of creating the same may be highly material, it is deemed proper to submit that time to the wisdom of Congress.

Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress.

Which were read the first time and passed, and ordered to be sent to the House of Commons, proposing to print.

Mr. Montgomery presented a bill entitled a bill supplemental to an act, entitled an act to lay off and establish a county by the name of Stanly and for other purposes; which was read the first time and passed.

Mr. Montgomery then moved to suspend the rules of the Senate, so as to read the bill the second and third times; which was agreed to.

The bill was then read the second and third times and passed, and ordered to be engrossed.

The Senate entered upon the order of the day, and took up the bill for the establishment and better regulation of Common Schools.

Mr. Worth moved that the proviso in the fifth section, which was stricken out on yesterday, be re-instated; which was decided in the affirmative—yeas 31, nays 13. The yeas and nays were demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs. Albright,
Arrington,
Dockery,
Edwards,

Messrs. Myers,
Orr,
Parks,
Pasteur,

Etheridge,	Pollock,
Exum,	Purvey,
Faison,	Reid,
Gaither,	Ribelin,
Hawkins,	Selby,
Houlder,	Sloan,
Johnson,	Waddell,
Kerr,	Ward,
Larkins,	Whitaker,
Melchor,	Whitfield,
Melvin,	Williams,
Moore,	Wilson,
Moye,	Worth—34.

Those who voted in the negative, were

Messrs. Bond,	Messrs. Morehead,
Bynum,	Montgomery,
Clingman,	Shepard,
Cooper,	Speed,
Hellen,	Spiers,
Mitchell,	Spruill—13.
McDiarmid,	

Mr. Myers then moved to reconsider the vote by which the 28th section was stricken out, and his amendment inserted in lieu thereof; which was agreed to.

He then asked leave to withdraw his amendment; which was granted.

Mr. Gaither then renewed the amendment of Mr. Myers; which was rejected by the following vote :

Those who voted in the affirmative, were

MESSRS. Bynum,	MESSRS. McDiarmid,
Clingman,	Morehead,
Dockery,	Montgomery,
Gaither,	Pollock,
Hellen,	Selby,
Johnson,	Spiers,
Melvin,	Whitfield,
Mitchell,	Whitaker—16.

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Orr,
Arrington,	Parks,

Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Houlder,
Kerr,
Larkins,
Meichor,
Moore,
Moye,
Myers,

Pasteur,
Puryear,
Reid,
Ribelin,
Shepard,
Sloan,
Speed,
Spruill,
Waddell,
Ward,
Williams,
Wilson,
Worth—31.

The question was taken on the passage of the bill the third reading; which was decided in the affirmative—yeas 29—nays 17. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were,

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Hellen,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Moye,
Myers,
Pasteur,
Pollock,
Reid,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson,
Worth—29.

Those who voted in the negative, were

MESSRS. Bynum,
Clingman,
Gaither,
Johnson,
Melchor,
Mitchell,

MESSRS. Montgomery,
Orr,
Parks,
Puryear,
Ribelin,
Waddell,

McDiarmid,
Moore,
Morehead,

Ward,
Whitaker—17.

Ordered, That the said bill be engrossed.

On motion of Mr. Gaither, the engrossed bill to lay off and establish a county by the name of Caldwell, was taken up and read the second time and rejected—yeas 21—nays 24. The yeas and nays were demanded by Mr. Arrington.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Hellen,
Johnson,
Melchor,
Mitchell,
M'Diarmid,

Messrs. Moore,
Morehead,
Montgomery,
Myers,
Parks,
Purveyor,
Ribelin,
Selby,
Waddell,
Ward—21.

Those who voted in the negative, were

Messrs. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

Messrs. Moye,
Pasteur,
Pollock,
Reid,
Sloan,
Speed,
Spiers,
Spruill,
Whitaker,
Williams,
Whitfield,
Wilson—24.

On motion of Mr. Wilson, the bill concerning the banks established, and those which may hereafter be established in the State, was taken up and read the second time.

Mr. Wilson moved the following amendment thereto, to wit:

Be it further enacted, That if, at any time hereafter, any bank established within this State shall suspend or refuse to pay any of its notes to the holders thereof in specie, when demanded at the bank or place where the said notes may have been issued, it shall not be lawful for any bank, so suspending specie payments, to collect any of its debts due at the time of suspension, until the said bank shall resume specie payments; *Provided* such person or persons as may be indebted to said bank or banks shall renew their notes as they shall fall due, paying the interest, and giving such security as may be deemed good and sufficient for said debt.

And be it further enacted, That if at any time hereafter, any bank or banks as aforesaid, shall suspend specie, or refuse to pay their notes in specie, on demand as aforesaid, it shall not be lawful for the bank or banks so suspending specie payments, to collect any debt or debts made or created by bond, note or otherwise, by such bank or banks during the time of said suspension; and if any action or suit shall be brought in any court of record, or before any justice of the peace to collect such debt or debts, it shall be the duty of the court, or justice before whom the same may be brought, to dismiss the suit with costs.

And be it further enacted, That it shall not be lawful for the officer of any bank or banks, that has suspended specie payments, or shall hereafter suspend, to sell or dispose of any bill of exchange, check, or draft, or other instrument of like character, at a greater rate than two per cent. per annum or exchange, nor shall any person or persons, as agent or attorney, or in any other capacity, do so for the benefit of said Bank or Banks; and any officer of said Bank or Banks, or other person or persons, for the benefit of said Bank or Banks, so offending, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment.

The bill and amendment were then postponed until tomorrow.

Mr. Morehead moved that the motion to reconsider the vote by which was rejected the engrossed bill concerning pilots and commissioners of navigation for Cape Fear River, heretofore laid on the table. be taken up: which was agreed to.

The question was then taken on the reconsideration of

the bill; which was agreed to. The bill was then read the second time and passed—yeas 22, nays 21. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Morehead,
Bond,	Moye,
Clingman,	Myers,
Faison,	Parks,
Gaither,	Purveyar,
Hawkins,	Ribelin,
Hellen,	Shepard,
Johnson,	Speed,
Melchor,	Spruill,
Mitchell,	Waddell,
Moore,	Worth—22.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Pasteur,
Cooper,	Pollock,
Etheridge,	Reid,
Exum,	Selby,
Hill,	Sloan,
Houlder,	Ward,
Kerr,	Whitaker,
Larkins,	Whitfield,
Melvin,	Williams,
McDiarmid,	Wilson—21.
Montgomery,	

Mr. Clingman, from the Joint Select Committee of Conference on the part of the Senate, to which was referred the disagreement of the two Houses in relation to the bill for directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, reported thereon; which was read and ordered to lie on the table.

On motion of Mr. Waddell, the Senate took a recess till half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill entitled a bill to attach part of the county of Iredell to the county of Wilkes; which was read the third time and passed, and ordered to be enrolled.

The engrossed bill to authorise the laying off and establishing a turnpike road from Laxton Lynch's, in Rutherford county, to the widow Sails's, in Buncombe county, was taken up and read the third time.

Mr. Moyer moved to amend the bill by striking out, in the 12th section, the words "*in the Treasury*," and inserting the words "*belonging to the fund for Internal Improvement*"; which was agreed to.

Mr. Dockery moved to strike out the words "*five thousand*," and insert the words "*two thousand five hundred*," which was agreed to.

The question was then taken on the passage of the bill as amended; which was decided in the affirmative—yeas 25, nays 16. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Etheridge,
Gaither,
Hawkins,
Hellen,
Melchor,
Mitchell,
McDiarmid,
Moore,

MESSRS. Montgomery,
Morehead,
Myers,
Parks,
Purveyor;
Ribelin,
Selby,
Speed,
Spiers,
Spruill,
Ward,
Worth—25.

Those who voted in the negative, were,

MESSRS. Arrington,
Cooper,
Exum,
Houlder,
Kerr,
Larkins,

MESSRS. Pasteur,
Pollock,
Reid,
Sloan,
Whitaker,
Whitfield,

Melvin, Williams,
Moye, Wilson—16.

The resolution in favour of the treasurer and directors of the Fayetteville and Western Rail Road Company, was taken up and read the second time and rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Clingman,	MESSRS. Moore,
Dockery,	Morehead,
Gaither,	Montgomery,
Hawkins,	Purveyor,
Hellen,	Spiers—11.
McDiarmid,	

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Orr,
Arrington,	Parks,
Bond,	Pasteur,
Bynum,	Pollock,
Cooper,	Reid,
Edwards,	Ribelin,
Etheridge,	Selby,
Exum,	Shepard,
Faison,	Sloan,
Houlder,	Speed,
Johnson,	Spruill,
Kerr,	Ward,
Larkins,	Whitaker,
Melchor,	Whitfield,
Melvin,	Williams,
Moye,	Wilson,
Myers,	Worth—34.

The Senate took up for consideration the bill to authorise the making of a turnpike road from Gatesville to the Chowan River, and to incorporate a company for that purpose; which was read the third time and amended, and passed, and ordered to be engrossed.

The resolution in favor of Jesse W. Moore and others, was read the third time and rejected.

The bill to authorise Isaac Brooks, Sheriff of Hyde

county, to collect the arrears of taxes due him in said county, was taken up and read the second time and rejected.

On motion of Mr. Clingman, the report of the Joint Select Committee of Conference, on the disagreement of the two Houses to the bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee, was taken up and concurred in.

Mr. Whitaker moved that the recommendation of Justices of the Peace for the county of Wake, heretofore laid on the table, be taken up; which was agreed to. The recommendation was then read and accepted.

The engrossed resolution in favour of John S. Russwurm; the resolution in favor of John Davis, Sheriff of Lenoir county; and the engrossed bill entitled a bill giving the Court of Pleas and Quarter Sessions of Cherokee county jurisdiction over the State Road in said county, were severally read the second time and passed.

The engrossed bill to enlarge the limits of the town of Wadesborough, in Anson county, was taken up and read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend an act of 1838, laying off a road from Burnsville, in Yaney county, to the Tennessee line, was taken up and read the second time and passed.

The Senate then took up for consideration the engrossed bill to empower the County Court of Burke to regulate the juries for the Superior and County Courts; and the engrossed resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, were read the second time and passed.

The engrossed bill to amend an act entitled an act to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors, was read the second time, and on motion of Mr. Gaither, referred to the Committee on the Judiciary.

The engrossed resolution in favor of James C. Turrentine, was taken up and read the second time and passed.

On motion of Mr. Speed, the Senate adjourned until tomorrow morning ten o'clock.

WEDNESDAY, JAN. 6, 1841.

Mr. Spruill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of this General Assembly adjourn *sine die* on Monday the 11th instant, and that the Clerks make up their estimates to that day inclusive.

Which was read.

Mr. Moyer moved that the resolution be laid on the table; which motion was decided in the negative—yeas 8, nays 31.

The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Bond,
Dockery,
Hawkins,
Moore,

MESSRS. Moyer,
Shepard,
Waddell,
Whitaker—8.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bynum,
Clingman,
Cooper,
Etheridge,
Exum,
Faison,
Gaither,
Hellen,
Houlder,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Morehead,
Montgomery,
Myers,
Pasteur,
Purveyor,
Ried,
Ribelin,
Selby,
Sloan,
Spreuill,
Ward,
Whitfield,
Williams,
Wilson,
Worth—31.

Mr. Gaither moved to amend the resolution by striking out the words *sine die*, and inserting in lieu thereof, the words until the first Monday of January, 1842.

Mr. Gaither then moved that the resolution and amendment he laid on the table; which was decided in the negative—yeas 21—nays 24. The yeas and nays were demanded by Mr. Ward.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Montgomery,
Bond,	Myers,
Bynum,	Parks,
Clingman,	Puryear,
Dockery,	Ribelin,
Edwards,	Selby,
Gaither,	Shepard,
Hawkins,	Waddell,
Hellen,	Whitaker,
Johnson,	Worth—21.
Moore,	

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Moye,
Cooper,	Orr,
Etheridge,	Pasteur,
Exum,	Pollock,
Faison,	Reid,
Houlder,	Sloan,
Kerr,	Spiers,
Larkins,	Spruill,
Melchor,	Ward,
Melvin,	Whitfield,
Mitchell,	Williams,
McDiarmid,	Wilson—24.

Mr. Edwards moved that the resolution and amendment be postponed till to-morrow; which was decided in the negative—yeas 22—nays 23. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moore,
Bond,	Montgomery,
Bynum,	Myers,
Clingman,	Parks,

Dockery,	Purveyar,
Edwards,	Ribelin,
Gaither,	Shepard,
Hawkins,	Spiers,
Hellen,	Waddell,
Johnson,	Whitaker,
Kerr,	Worth—22.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Orr,
Cooper,	Pasteur,
Etheridge,	Pollock,
Exum,	Reid,
Faison,	Selby,
Houlder,	Sloan,
Larkins,	Spruill,
Melchor,	Ward,
Melvin,	Whitfield,
Mitchell,	Williams,
McDiarmid,	Wilson—23.
Moye,	

Mr. Gaither moved to amend the amendment by striking out the first Monday in the amendment, and inserting "the second Monday."

Mr. Gaither then moved to lay the resolution and amendment on the table; which was decided in the negative—yeas 22—nays 23. The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moore,
Bond,	Montgomery,
Bynum,	Myers,
Clingman,	Parks,
Dockery,	Purveyar,
Edwards,	Ribelin,
Gaither,	Shepard,
Hawkins,	Spiers,
Hellen,	Waddell,
Johnson,	Whitaker,
Kerr,	Worth—22.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Faison,
Houlder,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,
Moye,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Selby,
Sloan,
Spruill,
Ward,
Whitfield,
Williams,
Wilson—23.

Mr. Gaither, with leave, withdrew his amendment.

Whereupon Mr. Spruill withdrew his resolution.

Mr. Hellen presented a bill, entitled a bill to alter and amend the act entitled an act to incorporate the North Carolina Central Rail Road Company, passed at the session of 1836; which was read the first time and passed.

The engrossed bill giving the Court of Pleas and Quarter Sessions of Cherokee county, jurisdiction over the State road in said county.

The engrossed resolution in favor of John Davis, sheriff of Lenoir county, and the resolution in favor of John S. Russwurm, were severally read the third time and passed, and ordered to be enrolled.

The engrossed bill to establish a county by the name of Cleveland, was taken up and read the third time, and passed by the following vote—yeas 24—nays 21.

The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Hellen,
Johnson,
Melchor,
Mitchell,

MESSRS. Morehead,
Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Waddell,

McDiarmid,
Moore,

Ward,
Worth—24.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Moye,
Pasteur,
Pollock,
Reid,
Sloan,
Spiers
Spruill,
Whitfield,
Williams,
Wilson—21.

Ordered, That said bill be enrolled.

Mr. Spruill moved that the vote by which was rejected the engrossed bill to lay off and establish a county by the name of Caldwell be reconsidered, which was agreed to—yeas 28—nays 17.

The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Edwards,
Gaither,
Hawkins,
Hellen,
Johnson,
Kerr,
Melchor,
Mitchell,
McDiarmid,
Morehead,

MESSRS. Montgomery,
Myers,
Parks,
Purveyor,
Reid,
Ribelin,
Selby,
Spiers,
Spruill,
Waddell,
Ward,
Whitaker,
Williams,
Worth—28.

Those who voted in the negative, were

Messrs. Arrington,
Bond,

Messrs. Moye,
Pasteur,

Cooper,
Etheridge,
Exum,
Faison,
Houlder,
Larkins,
Melvin,

Pollock,
Shepard,
Sloan,
Speed,
Whitfield,
Wilson—17.

The bill was then read the second time and passed, by the following vote:

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Edwards,
Gaither,
Hawkins,
Hellen,
Johnson,
Mitchell,
McDiarmid,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Orr,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Waddell,
Ward,
Whitaker,
Worth—24.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Etheridge,
Exum,
Faison,
Houlder,
Kerr,
Larkins,
Melvin,
Moye,

MESSRS. Pastenr,
Pollock,
Reid,
Sloan,
Speed,
Spier,
Spruill,
Whitfield,
Williams,
Wilson—21.

Mr. Speed moved that the rules of the Senate be suspended, so as to read the bill the third time. The bill was then read the third time and passed, and ordered to be enrolled.

Mr. Reid moved to suspend the 15th rule of order; which was decided in the affirmative—yeas 24—nays 21.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Hellen,
Kerr,
Melchor,
Mitchell,
McDiarmid,
Moore,

MESSRS. Morehead,
Montgomery,
Myers,
Orr,
Parks,
Purveyor,
Reid,
Spiers,
Spruill,
Ward,
Williams,
Wilson—24.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Houlder,
Johnson,
Melvin,

MESSRS. Moye,
Pasteur,
Pollock,
Selby,
Shepard,
Speed,
Sloan,
Waddell,
Whitaker,
Whitfield—20.

Mr. Myers gave notice that he would on to-morrow move to suspend the 14th rule of order of the Senate.

The engrossed bill concerning pilots and commissioners of navigation for Cape Fear river, was taken up and read the third time.

Mr. Melvin moved to amend the bill by striking out in the first section the words "*appointed by the commissioners of the town of Wilmington,*" and inserting the words, "*elected by the qualified voters of the county of New Hanover*"; which was rejected by the following vote

Those who voted in the affirmative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Houlder,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,

Kerr,
Larkins,
Melvin,
McDiarmid,

Ward,
Whitaker,
Whitfield,
Wilson—18.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither
Hawkins,
Hellen,
Johnson,
Melchor,
Moore,
Morehead,

MESSRS. Montgomery,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Waddell,
Williams,
Worth—26.

The question was then taken on the passage of the bill; which was decided in the affirmative—yeas 24, nays 20. The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hawkins,
Hellen,
Johnson,
Melchor,
Morehead,

Messrs. Moore,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spruill,
Waddell,
Worth—24.

Those who voted in the negative, were

Messrs. Arrington,
Cooper,
Etheridge,
Exum,
Houlder,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Sloan,

Kerr,
Larkins,
Melvin,
M'Diarmid,
Montgomery,

Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

Ordered, That said bill be enrolled.

The Senate took up for consideration the engrossed bill to empower the County Court of Burke to regulate the juries for the Superior and County Courts.

The bill to amend an act of 1838, laying off a road from Burnsville, in Yaney county, to the Tennessee line; and the resolution in favor of John S. Smith, former Commissioner of Nantahala Mountain Road; which were severally read the third time and passed, and ordered to be enrolled.

The resolutions in favor of George E. Badger and D. L. Swain were taken up and read the third time and passed, and ordered to be engrossed.

Mr. Shepard presented the memorial of the executors of Mary McKinly, dec'd. for leave to emancipate her slaves, and to permit them to remain in this State, according to the will of the said Mary McKinley; which was read, and on motion of Mr. Waddell, the prayer of the memorialists was rejected.

On motion of Mr. Hellen, the Senate took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions in relation to the public domain; in which they ask the concurrence of the Senate. The resolutions were read the first time and passed.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy to Turkey Cove Creek, in Burke county.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill giving to the county of Henderson a Superior Court of Law and Court of Equity, with an amendment, to wit: In the 4th line of the 6th section, strike out the words *or defendant*; in which they ask the concurrence of the Senate. The amendment was concurred in.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to repeal an act entitled an act to appoint a committee of finance for the county of Richmond, passed at the session of 1829 and 1830.

A bill to amend the 22nd section of the Revised Statutes, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation.

A bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed. X

The engrossed resolution directing a loan of ten thousand dollars to Wake Forest College, was taken up, and read the second time and passed—yeas 23, nays 20.

The yeas and nays were demanded by Mr. Cooper. X

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Doekery,
Gaither,
Hawkins,
Hellen,
Johnson,
Kerr,
Larkins,
Mitchell,
Moore,

Messrs. Myers,
Orr,
Parks,
Pasteur,
Puryear,
Selby,
Shepard,
Speed,
Waddell,
Williams,
Worth—23.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Edwards,

Messrs. Morehead,
Polloek,
Reid,

Etheridge,
Exum,
Faison,
Houlder,
Melchor,
Melvin,
Moye,

Ribelin,
Sloan,
Spruill,
Whitaker,
Whitfield,
Wilson—20.

The resolution concerning certain bonds in the Treasury office, was read the second time, and on motion of Mr. Clingman, laid on the table.

The engrossed resolution in favor of James C. Turrentine was taken up and read the third time and passed—yeas 21, nays 17. The yeas and nays were demanded by Mr. Moye.

Those who voted in the affirmative, were,

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Cooper,
Dockery,
Edwards,
Etheridge,
Gaither,
Hellen,
Kerr,

Messrs. Myers,
Melchor,
Moore,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Waddell,
Worth—21.

Those who voted in the negative, were

Messrs. Exum,
Faison,
Houlder,
Larkins,
Melvin,
Mitchell,
Moye,
Orr,
Pasteur,

Messrs. Pollock,
Reid,
Sloan,
Spruill,
Whitaker,
Whitfield,
Williams,
Wilson—17.

Ordered, That said resolution be enrolled.

Received from the House of Commons a message, proposing to print the report of the Joint Select Committee on the state, &c. of the Banks, and the accompanying doc-

uments, therewith transmitted to the Senate; which was read and concurred in.

The engrossed bill to incorporate the Turnpike Company, in the county of Cherokee, was read the second time and passed.

The Senate took up for consideration the following bills, to wit:

A bill to incorporate the North Carolina Mining and Manufacturing Company.

A bill to incorporate the Union Institute Library Society.

A bill to incorporate the Trustees of the Union Institute Academy.

And a bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches without written permission from their owners.

Which were severally read the second time and passed.

On motion of Mr. Reid, the Senate adjourned until tomorrow morning ten o'clock.

THURSDAY, JAN. 7, 1841.

Mr. Spruill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of this Legislature adjourn *sine die* on Monday the 11th instant, and that the clerks make up their estimates to that day inclusive.

Which was read.

Mr. Gaither moved to amend the resolution by striking out all after the word *resolved*, and inserting the words "that a message be sent to the House of Commons, proposing that the two Houses vote jointly by ballot tomorrow, at 11 o'clock, whether the General Assembly shall adjourn on Monday next until the first Monday of January, 1842; and that those in favor of such adjournment, shall write *adjourn* on their tickets, and those against adjourning, shall write *not adjourn* on their tickets.

Mr. Clingman moved to lay the resolution and amend-

ment on the table; which motion was decided in the negative—yeas 15—nays 31.

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Kerr,
Bond,	Moore,
Clingman,	Myers,
Dockery,	Shepard,
Edwards,	Speed,
Gaither,	Waddell,
Hawkins,	Whitaker—15.
Hellen,	

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Moye,
Bynum,	Pasteur,
Cooper,	Pollock,
Etheridge,	Puryear,
Exum,	Reid,
Faison,	Ribelin,
Hill,	Selby,
Houlder,	Sloan,
Johnson,	Spiers,
Larkins,	Spruill,
Melchor,	Ward,
Melvin,	Whitfield,
Mitchell,	Williams,
McDiarmid,	Wilson,
Morehead,	Worth—31.
Montgomery,	

Mr. Wilson called for a division of the question. The question was then taken on striking out; which was rejected by the following vote—yeas 12, nays 34.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moore,
Bynum,	Myers,
Clingman,	Shepard,
Dockery,	Spiers,
Gaither,	Waddell,
Hellen,	Whitaker—12.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Montgomery,
Bond,	Moye,
Cooper,	Orr,
Edwards,	Pasteur,
Etheridge,	Pollock,
Exum,	Puryear,
Faison,	Reid,
Hawkins,	Ribelin,
Houlder,	Selby,
Johnson,	Sloan,
Kerr,	Speed,
Larkins,	Spruill,
Melchor,	Ward,
Melvin,	Williams,
Mitchell,	Wilson,
McDiarmid,	Worth—34.
Morehead,	

The resolution was then adopted by the following vote
—yeas 33, nays 14.

Those who voted in the affirmative, were

MESSRS. Arrington,	MESSRS. Orr,
Cooper,	Moye,
Etheridge,	Pasteur,
Exum,	Pollock,
Faison,	Puryear,
Gaither,	Reid,
Hill,	Ribelin,
Houlder,	Selby,
Johnson,	Sloan,
Kerr,	Spiers,
Larkins,	Spruill,
Melchor,	Ward,
Melvin,	Whitfield,
Mitchell,	Williams,
McDiarmid,	Wilson,
Morehead,	Worth—33.
Montgomery,	

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Hellen,
Bond,	Moore,

Bynum,
Clingman,
Dockery,
Edwards,
Hawkins,

Myers,
Shepard,
Speed,
Waddell,
Whitaker—14.

Received from the House of Commons a message, concurring in the proposition of the Senate to print the report of the Joint Select Committee on that part of the Governor's message which relates to a Bank of the United States, &c.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to provide for the better government and regulation of the town of Murfreesborough, in Hertford county.

A bill to compel the militia officers of Mecklenburg county to drill three days in each and every year.

A bill to repeal an act, entitled an act directing the County Courts to pay certain fees to certain officers therein named, as far as respects the county of Randolph.

A bill to regulate the measurement of ton and square timber, and Saw-Mill lumber.

In which they ask the concurrence of the Senate.

Said bills were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill in favor of poor debtors.

A bill relating to vagrants.

A bill to amend the Revised Statutes, entitled an act for preventing of frauds and fraudulent conveyances, and to repeal the third section thereof.

The two first named bills were read the first time and passed. The last named bill was read the first time and passed, and, on motion of Mr. Hellen, referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians, and the management of orphans and their estates.

A bill for the better regulation of the County Courts of Cumberland.

A bill to incorporate the Trustees of the Female Academy, in the county of Buncombe.

A bill to encourage the destruction of wolves in the county of Haywood.

A bill to divide the militia of Ashe county in three regiments.

A bill to incorporate the Raleigh Mechanic's Association.

Also, the engrossed resolution for distributing the Revised Statutes; and a resolution in favor of Alexander and Benjamin Morrison.

The first named bill was read the first time and passed, and, on motion of Mr. Morehead, referred to the Committee on the Judiciary.

The last named bills and resolutions were severally read the first time and passed.

On motion of Mr. Clingman, the bill, entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road, was taken up. Mr. Clingman proposed several amendments thereto—then, on motion of Mr. Albright, the bill and amendments were laid on the table.

Mr. Myers asked leave to introduce a bill to establish a county by the name of Caroline, out of parts of the counties of Anson and Mecklenburg.

The Speaker decided that it would be out of order, inasmuch as the bill was one of like provisions of one which had been rejected.

Mr. Myers then moved to suspend the 14th rule, to enable him to introduce the bill; which motion was rejected by the following vote—yeas 18—nays 26.

The yeas and nays were demanded by Mr. Faison.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bynum,
Gaither,
Johnson,
Kerr,
Mitchell,
McDiarmid,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Orr,
Parks,
Pollock,
Puryear,
Reid,
Ribelin,
Worth—18.

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Pasteur,
Bond,	Moye,
Cooper,	Selby,
Dockery,	Shepard,
Etheridge,	Sloan,
Exum,	Speed,
Faison,	Spiers,
Hellen,	Spruill,
Hill,	Waddell,
Houlder,	Ward,
Larkins,	Whitaker,
Melchor,	Whitfield,
Melvin,	Williams—26.

The bill entitled a bill to incorporate the North Carolina Mining and Manufacturing Company, was taken up and read the third time.

Mr. Reid moved to amend the bill by adding the following words as an additional section:

Be it further enacted, That in the event of the failure of said Company, the stockholders therein shall be bound for the debts and liabilities of the corporation to the amount of stock by them respectively owned.

The question thereon was decided in the affirmative—yeas 25, nays 16. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. McDiarmid,
Arrington,	Moye,
Bond,	Myers,
Cooper,	Orr,
Etheridge,	Pollock,
Exum,	Reid,
Faison,	Sloan,
Hill,	Spruill,
Houlder,	Ward,
Kerr,	Whitaker,
Larkins,	Whitfield,
Melvin,	Williams—25.
Mitchell,	

Those who voted in the negative, were

MESSRS. Bynum,
Clingman,
Dockery,
Gaither,
Hellen,
Moore,
Montgomery,
Parks,

MESSRS. Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Waddell,
Worth—16.

The question was then taken on the passage of the bill as amended; which was decided in the affirmative—yeas 39, nays 3.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Exum,
Faison,
Gaither,
Hellen,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melchor,
Melvin,
Mitchell,
McDiarmid,

MESSRS. Moore,
Montgomery,
Moye,
Myers,
Orr,
Pollock,
Puryear,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Waddell,
Ward,
Whitaker,
Whitfield,
Williams,
Worth—39.

Those who voted in the negative, were

MESSRS. Morehead,
Ried,
Spruill—3.

Ordered, That said bill be engrossed.

The bill to incorporate the Trustees of the Union Insti-

tute Academy; the bill to incorporate the Union Institute Library Society; and the bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches, without written permission from their owners, were taken up and read the third time and passed, and ordered to be engrossed.

The engrossed resolution directing a loan of ten thousand dollars to Wake Forest College was read the third time and passed by the following vote—yeas 23, nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Gaither,
Hellen,
Hill,
Johnson,
Kerr,
Mitchell,
Moore,

MESSRS. Orr,
Myers,
Pasteur,
Puryear,
Shepard,
Speed,
Spiers,
Waddell,
Ward,
Williams,
Worth—23.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Faison,
Houlder,
Larkins,
Melchor,
Melvin,
Morehead,

MESSRS. Moye,
Pollock,
Reid,
Ribelin,
Selby,
Sloan,
Spruill,
Whitaker,
Whitfield—19.

Ordered, That the said bill be enrolled.

The resolution concerning certain bonds in the Treasury Office was taken up and read the third time, on motion of Mr. Clingman, amended and passed, and ordered to be engrossed.

The bill entitled a bill to incorporate the Hembrie Turn-

pike Company, in the county of Cherokee, was read the third time and passed and ordered to be engrossed.

Mr. Gaither presented a bill supplemental to an act passed at the present session, to lay off and establish a county by the name of Caldwell; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Bynum, from the Committee on the Judiciary, to whom was referred the memorial of certain citizens of Orange county, praying the Legislature to allow a bounty upon every pound of silk raised and reeled in our State by the citizens thereof, reported adversely thereto, and asked to be discharged from its further consideration. The report was concurred in. The committee was discharged accordingly.

On motion of Mr. Puryear, the Senate took a recess till half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; the engrossed bill to repeal an act entitled an act to appoint a committee of finance for the county of Richmond, passed at the session of 1829 and '30, and the bill to amend the 22nd section of the Revised Statute, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; which were severally read the second time and passed.

The resolution relating to the Comptroller was taken up and read the second time and passed.

The engrossed bill providing for restoring to the rights of citizenship persons convicted of infamous crimes, was read the second time and passed.

The Senate took up for consideration the bill entitled a bill to amend an act entitled an act to incorporate the North Carolina Central Rail Road; which was read the second time.

Mr. Speed moved to amend the bill by adding the following proviso, to wit:

Provided, That the State shall not be bound to take any part in the capital stock of the Rail Road contemplated by this act.

Which was agreed to.

The bill then passed as amended.

The resolution relating to the improvement of Neuse River was taken up and read the second time, and laid on the table by the following vote—yeas 28, nays 17. The yeas and nays were demanded by Mr. Hellen.

Those who voted in the affirmative, were,

MESSRS. Arrington,	Messrs. Pollock,
Bond,	Reid,
Dockery,	Ribelin,
Etheridge,	Shepard,
Faison,	Sloan,
Hawkins,	Speed,
Hill,	Spiers,
Houlder,	Waddell,
Larkins,	Ward,
Melchor,	Whitaker,
McDiarmid,	Whitfield,
Moye,	Williams,
Pasteur,	Wilson,
Puryear,	Worth—28.

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Melvin,
Bynum,	Mitchell,
Clingman,	Moore,
Cooper,	Montgomery,
Exum,	Myers,
Gaither,	Orr,
Hellen,	Selby,
Johnson,	Spruill—17.
Kerr,	

The resolutions relating to the Raleigh and Gaston Rail Road, were read the second time and passed.

On motion of Mr. Selby, the resolution concerning the draining of Lake Mattamuskeet was taken up and read the second time and rejected—yeas 18, nays 28. The yeas and nays were demanded by Mr. Houlder.

Those who voted in the affirmative, were

MESSRS. Bond,
Bynum,
Clingman,
Edwards,
Gaither,
Hawkins,
Hellen,
Johnson,
Mitchell,

Messrs. Myers,
Montgomery,
Purveyar,
Selby,
Shepard,
Speed,
Spiers,
Waddell—18.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Cooper,
Dockery,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,
McDiarmid,

MESSRS. Moye,
Moore,
Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson,
Worth—28.

The resolution in favor of William Stronach, was taken up and read the second time and passed.

Mr. Bynum presented a bill supplementary to an act passed by the General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland; which was read the first time and passed.

Mr. Ward moved to suspend the rule, so as to read the bill the second and third times. The bill was then read accordingly and passed, and ordered to be engrossed.

Mr. Moye presented the resignation of Valentine S. Jordan, a Justice of the Peace for the county of Pitt; which was read and accepted and sent to the House of Commons.

The engrossed bill to alter and amend the ninth chapter of the Revised Statutes, entitled auction and auctioneers, was read the third time, and on motion of Mr. Gaither, postponed indefinitely.

The bill to amend an act for the better regulation of the town of Wilkesborough, was read the second time, and on motion of Mr. Ribelin, was postponed indefinitely.

The Senate proceeded to consider the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county; which was read the second time, and on motion of Mr. Clingman, laid on the table.

The bill entitled a bill to protect churches, was read the third time and passed and ordered to be engrossed.

The bill to make trespass upon land and other property indictable in certain cases, was taken up and read the second time, and on motion of Mr. Dockery, postponed indefinitely.

On motion of Mr. Clingman, the resolution authorising the Governor to employ counsel to defend the title of the purchasers of lands in Cherokee county, was taken up and read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Concord Manufacturing Company, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the engrossed bill authorising the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford county, to the widow Sails's, in Buncombe county.

Ordered, That the said bill be enrolled.

On motion of Mr. Gaither, the Senate adjourned until tomorrow morning ten o'clock.

FRIDAY, JAN. 8, 1841.

Mr. Moye presented the resignation of Isaac Joyner, a Justice of the Peace for the county of Pitt; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, concurring in the proposition of the Senate, that the two Houses adjourn *sine die* on Monday next.

Received from the House of Commons a message, stat-

ing that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to alter the time of holding the Superior Court of Law and Equity, and the Court of Pleas and Quarter Sessions for the county of Carteret.

A bill to repeal an act, entitled an act to repeal in part the 13th section of an act passed in 1824, authorising the making a Turpike Road in the county of Buncombe.

The first named bill was read the first time and passed.

The last named bill was read the first time and passed; and, on motion of Mr. Clingman, referred to the Committee on Private Bills.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions—in which they ask the concurrence of the Senate:

A resolution in favor of John S. Briggs.

A resolution in favor of Edward Benson.

A resolution in favor of George Little.

Said resolutions were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate.

A bill concerning the Superior Courts of the counties of Hyde, Davie and Northampton.

A bill altering the mode of drawing Jurors for the Superior Courts of Rutherford county.

A bill to incorporate the Stockholders of the Boarding House of the Asheville Female Academy.

A bill to incorporate the town of Ashville.

A bill to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors.

A bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes.

A bill to appoint commissioners for the town of Kenansville, in the county of Duplin.

Said bills were severally read the first time and passed.

On motion of Mr. Gaither, the engrossed bill to lay off and establish a county by the name of McDowell, was taken up, and read the second time and rejected—yeas 15, nays 28.

The yeas and nays were demanded by Mr. Moyer.

Those who voted in the affirmative, were

MESSRS. Bynum,
Clingman,
Dockery,
Gaither,
Hawkins,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Myers,
Orr,
Puryear,
Ribelin,
Ward,
Worth—15.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Etheridge,
Exum,
Faison,
Hellen,
Hill,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,

MESSRS. McDiarmid,
Moye,
Pasteur,
Pollock,
Reid,
Selby,
Shepard,
Sloan,
Speed,
Spruill,
Waddell,
Whitaker,
Whitfield,
Wilson—28.

The bill to amend an act, entitled an act to incorporate the North Carolina Central Rail Road, and the resolutions relating to the Raleigh and Gaston Rail Road, were taken up and read the third time and passed, and ordered to be engrossed.

The engrossed bill to repeal an act, entitled an act to appoint a Committee of Finance for the county of Richmond, passed at the session of 1829 and '30, was taken up, and read the third time and passed, and ordered to be enrolled.

The engrossed bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes was taken up and read the third time and passed—yeas 27—nays 17.

The yeas and nays were demanded by Mr. Edwards.

Those who voted in the affirmative, were

MESSRS. Albright,

MESSRS. Moore,

Arrington,	Morehead,
Bond,	Moye,
Cooper,	Pasteur,
Etheridge,	Pollock,
Exum,	Reid,
Hawkins,	Sloan,
Houlder,	Spruill,
Kerr,	Ward,
Larkins,	Whitaker,
Melchor,	Whitfield,
Melvin,	Wilson,
Mitchell,	Worth—27.
McDiarmid,	

Those who voted in the negative, were

MESSRS. Clingman,	MESSRS. Orr,
Dockery,	Parks,
Edwards,	Puryear,
Faison,	Selby,
Gaither,	Shepard,
Hellen,	Speed,
Hill,	Spiers,
Montgomery,	Waddell—17.
Myers,	

Ordered, That the bill be enrolled.

Mr. Mitchell, from the committee on the judiciary, to whom was referred the engrossed bill to amend the Revised Statute, entitled an act for preventing of frauds and fraudulent conveyances and to repeal the third section thereof, reported the same to the Senate without amendment. The bill was then read the second time and passed.

Mr. Mitchell, from the same committee, to whom was referred the engrossed bill, to amend the Revised Statute, entitled an act concerning the appointment of guardians and the management of orphans, reported the same to the Senate without amendment. The bill was then read the second time and passed—yeas 35—nays 8. The yeas and nays were demanded by Mr. Hellen.

Those who voted in the affirmative, were

MESSRS. Arrington,	MESSRS. Morehead,
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Bond,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Gaither,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,
Mitchell,
Moore,

Moye,
Pasteur,
Pollock,
Purveyor,
Reid,
Ribelin,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Waddell,
Whitaker,
Whitfield,
Wilson,
Worth—35.

Those who voted in the negative, were

MESSRS. Albright,
Faison,
Hellen,
McDiarmid,

MESSRS. Myers,
Orr,
Parks,
Spruill—8.

The bill was then read the third time and passed, and ordered to be enrolled.

The resolution relating to the Comptroller, was taken up, and read the third time and passed, and ordered to be engrossed.

Also the resolution in favor of William Stronach, was taken up, and read the third time and passed and ordered to be engrossed.

The Senate took up for consideration the engrossed bill to amend the 22d section of the Revised Statute, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; and the engrossed bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore: which were read the third time and passed, and ordered to be enrolled.

On motion of Mr. McDiarmid, the engrossed bill for the better regulation of the County Courts of Cumberland, was taken up and read the second and third times and passed, and ordered to be enrolled.

The bill concerning the banks established, and which may hereafter be established in this State, was taken up, and read the second time. The question was on the adoption of the amendment heretofore proposed by Mr. Wilson. Pending that question, the Senate, on motion of Mr. Gaither, took a recess until half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the Raleigh Mechanics' Association; the engrossed resolution in favor of Alexander and Benjamin Morrison; and the engrossed resolution for distributing the Revised Statutes; which were severally read the second time and passed.

The engrossed bill to incorporate the Trustees of the Ashville Female Academy, in the county of Buncombe, was taken up and read the second and third times and passed, and ordered to be enrolled.

The bill concerning the Banks established, or which may hereafter be established in this State, was then taken up.

Mr. Speed moved to lay the bill and amendments on the table; which was decided in the negative—yeas 22, nays 23.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hellen,
Melchor,
Moore,
Montgomery,

Messrs. Myers,
Moye,
Pasteur,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Waddell,
Worth—22.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Edwards,

Messrs. Morehead,
McDiarmid;
Orr,

Etheridge,
Exum,
Hill,
Houlder,
Johnson,
Kerr,
Larkins,
Melvin,
Mitchell,

Pollock,
Reid,
Sloan,
Spruill,
Ward,
Whitaker,
Whitfield,
Wilson—23.

Whereupon Mr. Gaither moved that the bill and amendment be indefinitely postponed; which motion was decided in the negative—yeas 19, nays 26.

Those who voted in the affirmative, were

MESSRS. Albright,
Bynum,
Clingman,
Dockery,
Gaither,
Hellen,
Johnson,
Melchor,
Moore,
Myers,

MESSRS. Montgomery,
Pasteur,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Waddell,
Worth—19.

Those who voted in the negative, were

MESSRS. Arrington,
Bond,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. McDiarmid,
Morehead,
Moye,
Orr,
Pollock,
Purveyar,
Reid,
Sloan,
Spruill,
Ward,
Whitaker,
Whitfield,
Wilson—26.

The first amendment was read; which is as follows:

Be it further enacted, That if, at any time hereafter, any

Bank established within this State shall suspend, or refuse to pay any of its notes to the holders thereof in specie, when demanded at the Bank or place where the said notes may have been issued, it shall not be lawful for any Bank so suspending specie payments, to collect any of its debts due at the time of suspension, until the said Bank shall resume specie payments, *Provided*, such person or persons as may be indebted to said Bank or Banks, shall renew their notes as they shall fall due, paying the interest, and giving such security as may be deemed good and sufficient for said debt.

The question thereon was decided in the negative—yeas 21, nays 26. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Etheridge,
Exum,
Hill,
Houlder,
Johuson,
Kerr,
Larkins,

Messrs. McDiarmid,
Orr,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—21.

Those who voted in the negative, were

Messrs. Bynum,
Clingman,
Dockery,
Edwards
Faison,
Gaither,
Hawkins,
Hellen,
Melchor,
Melvin,
Moore,
Morehead,
Montgomery,

Messrs. Moyer,
Myers,
Parks,
Purveyer,
Pasteur,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Worth—26.

The second amendment was then read; which is as follows:

And be it further enacted, That if at any time hereafter, any bank or banks as aforesaid, shall suspend specie payments or refuse to pay their notes in specie on demand as aforesaid, it shall not be lawful for the bank or banks, so suspending specie payments, to collect any debt or debts made or created by bill, bond, note or otherwise, by such bank or banks during the time of said suspension; and if any action or suit shall be brought in any Court of Record, or before any Justice of the Peace to collect such debt or debts, it shall be the duty of the Court or Justice, before whom the same may be brought, to dismiss the suit with costs.

The question was taken on said amendment; which was decided in the negative—yeas 19—nays 29. The yeas and nays were demanded by Mr. Gaither.

Those who voted in the affirmative, were

Messrs. Arrington,	MESSRS. McDiarmid,
Bond,	Orr,
Cooper,	Pollock,
Etheridge,	Reid,
Exum,	Ward,
Hill,	Whitaker,
Houlder,	Whitfield,
Kerr,	Williams,
Larkins,	Wilson—19.
Melvin,	

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Moye,
Bynum,	Myers,
Clingman,	Parks,
Dockery,	Pasteur,
Edwards,	Puryear,
Faison,	Ribelin,
Gaither,	Selby,
Hawkins,	Shepard,
Hellen,	Sloan,
Johnson,	Spced,

Melchor, -
Mitchell,
Moore,
Morehead,
Montgomery,

Spiers,
Spruill,
Waddell,
Worth—29.

The third amendment was then read; which is as follows :

And be it fuether enacted, 'That it shall not be lawful for the officer of any bank or banks that has suspended specie payments, or shall hereafter suspend, to sell or dispose of any bill of exchange, check or draft, or other instrument of like character, at a greater rate than two per cent. per annum or exchange; nor shall any person or persons, as agent or attorney, or in any other capacity do so, for the benefit of said Bank or Banks; and any officer of said Bank or Banks, or other person or persons, for the benefit of said Bank or Banks, so offending, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment.

The question was then taken thereon, which was decided in the negative—yeas 20, nays 27.

Those who voted in the affirmative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Exum,
Houlder,
Johnson,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. McDiarmid,
Orr,
Pollock,
Reid,
Sloan,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Edwards,
Faison,

MESSRS. Montgomery,
Moye,
Myers,
Parks,
Puryear,
Ribelin,
Selby,

Gaither,
Hawkins,
Hellen,
Hill,
Melchor,
Moore,
Morehead,

Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Worth—27.

The question then recurred on the passage of the bill; which was decided in the negative—yeas 24—nays 23.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Faison,
Hawkins,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,

MESSRS. Mitchell,
M'Diarmid,
Morehead,
Pollock,
Reid,
Sloan,
Spruill,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—24.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Gaither,
Hellen,
Johnson,
Melchor,
Moore,
Montgomery,
Moye,

MESSRS. Myers,
Parks,
Pasteur,
Purveyor,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Waddell,
Worth—23.

The Speaker voted in the negative, making an equal number, consequently the bill was rejected.

On motion of Mr. Hawkins, the bill for the relief of

the Raleigh and Gaston Rail Road Company was taken up.

Whereupon, Mr. Edwards moved to amend the bill by striking out all after the enacting clause, and inserting a substitute therefor.

Mr. Shepard moved an amendment to the amendment; both were agreed to.

The bill then passed the second time, and, on motion of Mr. Shepard, ordered to be printed.

On motion of Mr. Morehead, the bill to unite the board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the revised statutes, was taken up and read the third time, and, on motion of Mr. Waddell, laid on the table.

On motion of Mr. Pasteur, the engrossed bill to regulate the measurement of ton and square timber and saw-mill lumber, was taken up and read the second time.

Mr. Spruill moved to amend the bill, by adding to the third section the following proviso:

Provided nevertheless, That the provisions of this act shall not extend to the counties of Tyrrell, Washington, Gates, Chowan, Bertie and Northampton.

The question on the adoption of said amendment was decided in the affirmative—yeas 26—nays 12.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Clingman,
Cooper,
Dockery,
Etheridge,
Exum,
Gaither
Kerr,
Larkins,
Melchor,
Mitchell,
Moore,

MESSRS. Montgomery,
Moye,
Orr,
Pasteur,
Pollock,
Purveyor,
Ried,
Speed,
Spreuill,
Waddell,
Whitfield,
Williams,
Wilson—26.

Those who voted in the negative, were

MESSRS. Albright,

Messrs. Myers,

Bynum,
Faison,
Hellen,
Houlder,
Melvin,

Parks,
Ribelin,
Sloan,
Spiers,
Worth—12.

The bill was then read the second and third times, and passed as amended.

The engrossed bill, entitled a bill in favor of poor debtors, was taken up, and read the second time.

Mr. Clingman moved to amend the bill, by inserting after the word fish, "the words *or any other provisions of like value*;" which was not agreed to. The bill then passed by the following vote—yeas 33—nays 8.

The yeas and nays were demanded by Mr. Puryear.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Cooper,
Dockery,
Etheridge,
Exum,
Faison,
Gaither,
Hellen,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,
Mitchell,
Moore,

MESSRS. Moye,
Orr,
Parks,
Pasteur,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Speed,
Spruill,
Waddell,
Ward,
Whitfield,
Williams,
Wilson—33.

Those who voted in the negative, were

MESSRS. Arrington,
Clingman,
Edwards,
Morehead,

MESSRS. Montgomery,
Myers,
Sloan,
Spiers—8.

The bill was then read the third time and passed, and ordered to be enrolled.

On motion of Mr. Bynum, the Senate adjourned until to-morrow morning, ten o'clock.

SATURDAY, JAN. 9, 1841.

Mr. Moore, from the Committee of Propositions and Grievances, to which was referred the memorial of sundry citizens of Robeson county, praying that some law be enacted by the Legislature restricting the sale of ardent spirits to free persons of color, reported adversely there-to; which was concurred in. The committee was discharged from its further consideration.

Mr. Morehead, from the Committee on the Judiciary, to whom was referred the engrossed bill to amend an act, entitled an act to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors, reported the same to the Senate without amendment. The bill was then read the second time and passed.

Mr. Dockery, from the Joint Select Committee on Military Affairs, to whom was referred the annual report of the Adjutant General, reported that certain officers therein named as delinquents, had all performed their duty as such; which report was concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland, with an amendment; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bills, as follows, to wit:

A bill to provide for the election of certain militia officers.

A bill to alter the time of holding the Superior Court of Law and Equity for the counties of Cabarrus and Mecklenburg.

A bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland.

In which they ask the concurrence of the Senate.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes.

A bill to prevent free persons of colour from carrying fire arms.

A bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning the Supreme Court. In which they ask the concurrence of the Senate.

The two first named bills were read the first, second and third times and passed, and ordered to be enrolled.

The last named bill was read the first time and passed.

On motion of Mr. Faison, the engrossed bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes, was taken up and read the second and third times, amended on motion of Mr. Faison, and passed.

On motion of Mr. Spruill, the engrossed resolution in favor of claimants for French spoliations prior to 1800, was taken up and read the second time. Mr. Wilson demanded the yeas and nays; whereupon, on motion of Mr. Clingman, the resolution was laid on the table.

On motion of Mr. Edwards, the bill for the relief of the Raleigh and Gaston Rail Road Company, was taken up and read the third time. Several amendments having been made thereto; whereupon Mr. Cooper moved to amend the bill, by adding to the second section the following proviso, to wit:

Provided nevertheless, That it shall be the duty of the stockholders of the Gaston and Raleigh Rail Road Company, before the Treasurer of North Carolina endorses the bonds aforesaid to the said Raleigh and Gaston Rail Road Company, that each stockholder in said Company shall execute a deed in trust to the Treasurer of North Carolina, of all their stock in said company, and also all their real and personal estate, setting forth, on oath, the number of slaves by name, male and female; the number of tracts of land, number of acres in each tract, and where situated, on oath; which shall be proved in the County Court of Wake county, before the Treasurer of the State of North Carolina shall endorse the

credit of the State for the payment of eight hundred thousand dollars, to aid the aforesaid Raleigh and Gaston Rail Road Company.

Which was read, and rejected by the following vote:

Those who voted in the affirmative, were

MESSRS. Arrington,
Cooper,
Exum,
Faison,
Houlder,
Larkins,
Melvin,

MESSRS. McDiarmid,
Pasteur,
Sloan,
Ward,
Whitfield,
Williams,
Wilson—14 yeas.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Edwards,
Etheridge,
Gaither,
Hawkins,
Hellen,
Hill,
Johnson,
Kerr,
Melchor,
Mitchell,
Moore,
Moye,

MESSRS. Montgomery,
Myers,
Orr,
Parks,
Pollock,
Puryear,
Reid,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Whitaker,
Worth—33.

Mr. Moore then moved to amend the bill by adding to the 10th section, the following proviso, to wit:

Provided, That the Treasurer, in the event of such sale, shall have power, with the advice and consent of the Governor and his Council, to purchase the property of said Company, both real and personal, thus offered for sale, *provided*, they shall not give more for said property than the full amount of the liability of the State incurred.

Which was rejected.

The question then was, shall the bill pass the third reading? which was decided in the negative—yeas 20, nays 28. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

Messrs. Albright,	MESSRS. Moore,
Bynum,	Morehead,
Clingman,	Montgomery,
Dockery,	Parks,
Edwards,	Puryear,
Gaither,	Ribelin,
Hawkins,	Selby,
Hellen,	Shepard,
Johnson,	Waddell,
Melchor,	Worth—20.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Myers,
Bond,	Orr,
Cooper,	Pasteur,
Etheridge,	Pollock,
Exum,	Reid,
Faison,	Sloan,
Hill,	Speed,
Houlder,	Spiers,
Kerr,	Spruill,
Larkins,	Ward,
Melvin,	Whitaker,
Mitchell,	Whitfield,
McDiarmid,	Williams,
Moye,	Wilson—28.

X Received from the House of Commons a message, stating that they have passed the engrossed bill for the establishment and better regulation of Common Schools, with sundry amendments; which were read.

Mr. Clingman moved to lay the bill on the table; which motion was decided in the negative—yeas 16, nays 28.

Those who voted in the affirmative, were

MESSRS. Clingman,	Messrs. Myers,
Dockery,	Montgomery,
Gaither,	Orr,
Hawkins,	Parks,

Hellen,
Mitchell,
Moore,
Morehead,

Puryear,
Ribelin,
Whitaker—15.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bond,
Etheridge,
Exum,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,
McDiarmid,
Pasteur,

MESSRS. Moye,
Pollock,
Reid,
Selby,
Shepard,
Sloan,
Speed,
Spiers,
Spruill,
Ward,
Whitfield,
Williams,
Wilson,
Worth—28.

The amendments were then concurred in.

On motion of Mr. Wilson,

Ordered, That Mr. Puryear have leave of absence from the service of the Senate from and after to-morrow, the remainder of the session.

On motion of Mr. Waddell,

Ordered, That Mr. Johnson have leave of absence from the service of the Senate from and after to-day, the remainder of the session.

On motion of Mr. Spruill,

Ordered, That Mr. Selby have leave of absence from the service of the Senate from and after to-morrow, the balance of the session.

On motion of Mr. Clingman,

Ordered, That Mr. Sloan have leave of absence from the service of the Senate from and after Monday next.

On motion of Mr. McDiarmid,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to day, the balance of the session.

On motion of Mr. Clingman,

Ordered That Mr. Exum have leave of absence from

the service of the Senate from and after to-morrow, the remainder of the session.

On motion of Mr. Spruill, the Senate took a recess till half past 3 o'clock.

HALF PAST 3 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the Raleigh Mechanics' Association.

The engrossed bill to amend the Revised Statutes, entitled and act for preventing of frauds and fraudulent conveyances, and to repeal the third section thereof.

The resolution for distributing the Revised Statutes.

And a resolution in favor of Alexander and Benjamin Morrison; which were severally read the third time and passed, and ordered to be enrolled.

The Engrossed resolutions in relation to the Public Domain, were taken up and read the second time.

Mr. Reid moved to amend the resolution by striking out all after the word resolved, and inserting in lieu thereof, the following, to wit: "That the Public Domain is the property of the General Government, and any act on the part of Congress ceding it the States in which it lies, or any other disposition of it inconsistent with the deeds of cession, would be a palpable violation of the spirit of the constitution and the interests of the people.

Resolved, That any act on the part of Congress to divide the proceeds of the sales of the public lands among the States, would, under existing circumstances, create the necessity of resorting to an increase of the Tariff, or some other mode of taxation, that would bear heavily upon the people.

Resolved, That the Federal Government does not possess the constitutional power to appropriate the public money to works of Internal Improvement, of a local character, nor for any other State purpose.

Resolved, That we are opposed to the assumption of the State debts, either directly or indirectly, by the General Government.

Resolved, That we are opposed to an increase of the Tariff.

Resolved, That one of the great blessings of free govern-

ment is, that the people are permitted to use the reward of their labor for themselves. and that the system of collecting a surplus revenue for distribution by the federal government, is but saying indirectly to the people, that they shall not be permitted to use the earnings of their own industry; and that such a measure is subversive of the rights of the people, and the first principles of our Republican form of Government."

Which were read.

The question was then taken on striking out; which was decided in the negative—yeas 20, nays 24.

Those who voted in the affirmative, were,

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hill,
Houlder,
Kerr,
Larkins,
McDiarmid,

MESSRS. Melvin,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

Those who voted in the negative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Melchor,
Hellen,
Mitchell,
Moore,
Montgomery,

Messrs. Moyer,
Myers,
Parks,
Puryear,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Worth—24.

The resolutions were then read the second time and passed by the following vote—yeas 24, nays 20. The yeas and nays were demanded by Mr. Wilson.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Hellen,
Faison,
Gaither,
Houlder,
Melchor,
Moore,
Moye,

MESSRS. Montgomery,
Myers,
Parks,
Purvey,
Ribelin,
Selby,
Shepard
Speed,
Spiers,
Spruill,
Waddell,
Worth—24.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Edwards,
Etheridge,
Exum,
Hill,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. McDiarmid,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

The resolutions were then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of three on the part of each House for the purpose of examining what measures shall be taken by the State, in case the Raleigh and Gaston Rail Road Company shall fail to pay the interest on the loan guaranteed by the State, by virtue of the act of 1838; also, to examine whether the said company be insolvent; and that they have leave to sit during the sessions of the two Houses; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Worth, Bynum and Pasteur form our branch of the committee on the foregoing proposition—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, transmitting to the Senate a communication from his Excellency the Governor; which, on motion of Mr. Edwards,

was referred to the Joint Select Committee raised on the subject of the Raleigh and Gaston Rail Road.

The engrossed bill concerning the Superior Courts of the counties of Hyde, Northampton and Davie; the bill to alter the times of holding the Superior Courts of Law and Equity for the counties of Cabarrus and Mecklenburg; the bill altering the mode of drawing jurors for the Superior Courts of Rutherford county; the engrossed resolution in favor of Edward Benson; the resolution in favor of John S. Briggs; the resolution in favor of George Little; and the resolutions respecting the re-opening of Roanoke Inlet, were taken up and severally read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Reid, the bill entitled a bill to regulate stays and appeals, so far as they concern the collection of bank notes, was taken up and read the second time, and on motion of Mr. Mitchell, postponed indefinitely—yeas 24, nays 13. The yeas and nays were demanded by Mr. Reid.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Parks,
Bond,	Moye,
Bynum,	Pasteur,
Clingman,	Purveyor,
Cooper,	Selby,
Dockery,	Shepard,
Faison,	Speed,
Gaither,	Spiers,
Melchor,	Spruill,
Mitchell,	Waddell,
Moore,	Whitaker,
Montgomery,	Worth—24.

Those who voted in the negative, were

Messrs. Arrington,	MESSRS. McDiarmid,
Exum,	Pollock,
Hill,	Reid,
Houlder,	Whitfield,
Kerr,	Williams,
Larkins,	Wilson—13.
Melvin,	

Received from the House of Commons a message, pro-

posing that the act passed at the present session of the General Assembly, relating to the establishment of Common Schools be printed, ten copies for each member; which was read and concurred in.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company.

Ordered, That the said bill be enrolled.

The engrossed bill to provide for the better government and regulation of the town of Marfreesborough, in Hertford county; the bill to encourage the destruction of wolves in the county of Haywood; the bill to alter the time of holding the Superior Court of Law and Equity and the Court of Pleas and Quarter Sessions for the county of Carteret; the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, as far as respects the county of Randolph; and the engrossed resolution in favor of John B. Love, were taken up and severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. L. Thompson, J. B. Jones, J. P. Caldwell form their branch of the committee to enquire into the situation of the Raleigh and Gaston Rail Road Company, and stating that they concur in the proposition of the Senate to refer the message of His Excellency the Governor, to that committee.

The bill entitled a bill to amend and explain the Revised Statute, entitled an act for limiting the time within which actions may be brought, and for quieting titles to land and slaves; and prescribing the time within which presumption of satisfaction may arise, and to repeal part of the said statute, was taken up and read the second time and rejected.

The resolution authorising the erection of a Lunatic Hospital, was taken up and read the second time.

Mr. Moore moved a substitute therefor.

Whereupon, on motion of Mr. Montgomery, the resolution and amendment were laid on the table.

The bill, entitled a bill to unite the board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the revised statutes,

was taken up, and read the third time, amended on motion of Mr. Speed, and on motion of Mr. Spruill, laid on the table.

On motion of Mr. Clingman, the Senate took a recess 'till half past 7 o'clock.

HALF PAST 7 O'CLOCK, P. M.

The Senate met agreeably to adjournment, and took up the engrossed bill to incorporate the town of Asheville.

The bill to repeal a part of the 18th section of the revised statutes, entitled an act concerning the Supreme Court; the bill to amend an act entitled an act to amend the 53th chapter of the revised statutes, entitled insolvent debtors; which were severally read the second and third times and passed, and ordered to be enrolled.

The engrossed bill, entitled a bill relating to vagrants, was taken up and read the second time and passed—yeas 27—nays 10.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Exum,
Gaither
Hawkins,
Houlder,
Kerr,
Larkins,
Melchor,

MESSRS. Melvin,
Montgomery,
Orr,
Pollock,
Ribelin,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitfield,
Wilson—27.

Those who voted in the negative, were

MESSRS. Arrington,
Faison,
Hellen,
Mitchell,
Moore,

Messrs. Morehead,
Moye,
Parks,
Ried,
Williams—10.

The bill was then read the third time and passed—yeas 25—nays 11.

The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Bond,
Clingman,
Cooper,
Etheridge,
Exum,
Gaither,
Hawkins,
Houlder,
Kerr,
Larkins,
Melehor,
Melvin,
Montgomery,

MESSRS. Orr,
Pollock,
Ribelin,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitfield,
Williams,
Wilson—25.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Doekery,
Faison,
Hellen,
Mitchell,

MESSRS. Moore,
Morehead,
Moye,
Parks,
Reid—11.

Ordered that said bill be enrolled.

The engrossed bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was taken up, and read the second and third times and passed, and ordered to be enrolled.

The engrossed bill to amend the 58th chapter of the revised statutes, entitled insolvent debtors; the bill to provide for the election of certain militia officers; the bill to appoint commissioners for the town of Kenansville, in the county of Duplin; the bill to incorporate the stockholders of the Boarding House of the Asheville Female Academy; the bill to compel the militia officers of Mecklenburg county, to drill three days in each and every year; and the bill to divide the militia of Ashe county into three regiments, were taken up, and severally read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, transmitting to the Senate the communication from the Public Treasurer, and proposing to refer it to a joint select committee of three on the part of each House; which was read and concurred in.

Whereupon the Speaker announced to the Senate that Messrs. Mitchell, Hawkins and Albright form our branch of the committee to whom is referred the communication from the Public Treasurer—and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the amendment to the engrossed bill to regulate the measurement of ton and square timber, and saw-mill lumber.

Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions—in which they ask the concurrence of the Senate:

A resolution to pay certain contingent expenses of the General Assembly.

A resolution in favor of the Door Keepers.

Also an engrossed bill to incorporate the Salisbury Manufacturing Company.

Said resolutions and bill were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills—in which they ask the concurrence of the Senate:

A bill to incorporate the Light Infantry Company, in the town of Edenton.

A bill to amend the revised statutes entitled an act to drain the swamp lands of this State, and to create a fund for Common Schools.

Also a resolution for repairing Governor's residence, and for furniture.

The second named bill was read the first, second and third times and passed—yeas 22—nays 10.

The yeas and nays were demanded by Mr. Speed.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,

MESSRS. Melehor,
Moore,
Montgomery,

Bynum,
Clingman,
Cooper,
Dockery,
Exum,
Gaither,
Hawkins,
Hellen,

Moye,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitfield,
Wilson—22.

Those who voted in the negative, were

MESSRS. Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,

MESSRS. Orr,
Pollock,
Reid,
Ribelin,
Williams—10.

Ordered, That said bill be enrolled.

The first named was read the first, second and third times and passed, and ordered to be enrolled.

The resolutions for repairing Governor's residence and for furniture, was read the first, second and third times and passed—yeas 24—nays 9. The yeas and nays were demanded by Mr. Pollock.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Bynum,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Gaither,
Hawkins,
Hellen,

MESSRS. Melchor,
Moore,
Montgomery,
Moye,
Orr,
Reid,
Ribelin,
Speed,
Spiers,
Waddell,
Ward,
Wilson—24.

Those who voted in the negative, were

MESSRS. Exum,
Houlder,

MESSRS. Pollock,
Spruill,

Kerr,
Larkins,
Melvin,

Whitfield,
Williams—9.

Ordered, That said resolution be enrolled.

Received from the House of Commons a message, stating that Messrs. Robards, McLaughlin and Patterson form their branch of the committee on the Public Treasurer's communication.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to establish a Female Literary Institution in the county of Robeson.

A bill to authorise the making a Turnpike Road in the county of Henderson.

Also, the following engrossed resolutions:

A resolution relating to the Secretary of State.

A resolution accepting from the Hon. Edward Stanly the donation of certain books therein named.

Said bills and resolutions were severally read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons the resignation of John R. Gilliam, a Justice of the Peace for the county of Bertie; which was read and accepted.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate.

A bill supplementary to an act entitled an act concerning the draining of low lands.

A bill to incorporate the Franklin Library Society, in the town of Fayetteville.

A bill to provide a copy of the North Carolina Justice for each and every Magistrate in the State.

A bill to extend the time of holding the next term of the Superior Court for Cumberland county.

A bill to revise an act passed in 1835, authorising David T. Sawyer to lay off and construct a road, and for other purposes.

Also, the following engrossed resolutions:

A resolution for Public Treasurer.

A resolution in favor of J. N. Crosby.

Resolution in favor of Commissioners for superintending building the Capitol.

The first named resolution was read the first time and rejected.

The second named resolution was read the first, second and third times and passed, and ordered to be enrolled.

The resolution in favor of the Commissioners for Superintending the building the Capitol, was read the first time and rejected by the following vote—yeas 11, nays 22. The yeas and nays were demanded by Mr. Williams.

Those who voted in the affirmative, were

MESSRS. Bynum,
Clingman,
Dockery,
Faison,
Gaither,
Hawkins,

MESSRS. Hellen,
Moore,
Speed,
Spiers,
Waddell—11.

Those who voted in the negative, were

MESSRS. Albright,
Arrington,
Bond,
Cooper,
Etheridge,
Exum,
Houlder,
Kerr,
Larkins,
Melchor,
Melvin,

Messrs. Montgomery,
Mitchell,
Moye,
Pollock,
Reid,
Ribelin,
Spruill,
Ward,
Whitfield,
Williams,
Wilson—22.

The engrossed bill to extend the time of holding the next term of the Superior Court for Cumberland county; the bill to revise an act passed in 1835, authorising David T. Sawyer to lay off and construct a road, and for other purposes; and a bill to incorporate the Franklin Library Society, in the town of Fayetteville, were taken up and read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Orr, the Senate adjourned until Monday morning 7 o'clock.

MONDAY, JAN. 11, 1841.

The Senate met agreeably to adjournment, and took up the engrossed bill supplementary to an act concerning the draining of low lands; which was read the first, second and third times and passed, and ordered to be enrolled.

The Senate then took up for consideration the engrossed bill to provide a copy of the North Carolina Justice for each and every magistrate in the State; which was read the first time and passed.

The bill was then read the second time, and on motion of Mr. Wilson, postponed indefinitely by the following vote—yeas 28, nays 5.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bond,
Clingman,
Cooper,
Dockery,
Edwards
Faison,
Gaither,
Hawkins,
Hellen,
Houlder,
Kerr,
Melchor,

Messrs. Moore,
McDiarmid,
Morehead,
Moye,
Orr,
Pasteur,
Pollock,
Reid,
Selby,
Ward,
Whitfield,
Williams,
Wilson,
Worth—28.

Those who voted in the negative, were

Messrs. Hill,
Larkins,
Melvin,

Montgomery,
Spruill—5.

Received from the House of Commons a message, stating that they have passed the engrossed bill to purchase a Library, with an amendment; which was read and concurred in.

On motion of Mr. Spruill, the Senate took a recess till ten o'clock.

TEN O'CLOCK, A. M.

The Speaker announced to the Senate that Messrs. Moore and Pasteur form our branch of the Committee on Enrolled Bills for this week.

Mr. Morehead moved that two members on the part of the Senate be added to the Committee on Enrolled Bills; which was agreed to.

Whereupon the Speaker appointed Messrs. Spruill and Moye as said Committee.

Mr. Reid, from the Committee on Private Bills, to whom was referred the engrossed bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a turnpike road in the county of Buncombe, reported the same to the Senate; which was read the second time.

Mr. Clingman moved that the bill be indefinitely postponed; which was not agreed to. The bill then passed—yeas 24, nays 10. The yeas and nays were demanded by Mr. Clingman.

Those who voted in the affirmative, were

Messrs. Arrington,	Messrs. Pasteur,
Bond,	Moye,
Bynum,	Pollock,
Cooper,	Shepard,
Edwards,	Speed,
Etheridge,	Spruill,
Gaither,	Waddell,
Hellen,	Ward,
Houlder,	Whitaker,
Kerr,	Whitfield,
Larkins,	Williams,
Moore,	Wilson—24.

Those who voted in the negative, were

Messrs. Clingman,	Messrs. Melvin,
Dockery,	Orr,
Faison,	Reid,
Hill,	Ribelin,
Melchor,	Selby—10.

The bill was then read the third time.

Mr. Clingman moved to amend the bill by striking out

the proviso in the bill, and inserting in lieu thereof the words,

Provided, however, That the citizens of Yancy county, residing in that part of said county which constituted a part of Buncombe county prior to the year 1830, shall not be compelled to pay any tolls for travelling on said road.

Which was read and agreed to.

The bill then passed as amended.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate:

A bill to amend the Revised Statutes, concerning last wills and testaments.

Also, a bill to incorporate Beaver Creek Manufacturing Company; and a resolution in favor of Lunsford Lane.

The first named bill was read the first and second times and passed—yeas 32, nays 5. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
Arrington,
Bynum,
Etheridge,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Houlder,
Kerr,
Melchor,
Melvin,
Mitchell,
Moore,
Morehead,

MESSRS. Montgomery,
Moye,
Pasteur,
Pollock,
Reid,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Ward,
Whitfield,
Williams,
Wilson—32.

Those who voted in the negative, were

MESSRS. Bond,
Cooper,
Larkins,

MESSRS. Orr,
Whitaker—5.

The bill then passed and was ordered to be enrolled.

The last named bill was read the first, second and third times and passed, and ordered to be enrolled.

The engrossed resolution in favor of Lunsford Lane, was read the first and second times, and rejected by the following vote—yeas 17—nays 19. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,
Clingman,
Edwards,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Melchor,

MESSRS. Moore,
Morehead,
Selby,
Shepard,
Speed,
Spiers,
Waddell,
Ward—17.

Those who voted in the negative, were

Messrs. Arrington,
Bond,
Cooper,
Etheridge,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,
Moye,

MESSRS. Orr,
Pasteur,
Pollock,
Reid,
Ribelin,
Whitaker,
Whitfield,
Williams,
Wilson—19.

Received from the House of Commons a message, stating that they have passed the engrossed resolution concerning the Statue of Washington, with an amendment, to-wit:

Be it further resolved, That the Governor shall appoint a committee of three to superintend the said work.

Which was read and not agreed to.—yeas 14—nays 25.

The yeas and nays were demanded by Mr. Whitfield.

Those who voted in the affirmative, were

MESSRS. Bynum,
Edwards,

Messrs. Montgomery,
Selby,

Gaither,	Shepard,
Hawkins,	Speed,
Hellen,	Spiers,
Hill,	Spruill,
Morehead,	Waddell—14.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Moore,
Albright,	Moye,
Bond,	Orr,
Cooper,	Parks,
Dockery,	Pasteur,
Etheridge,	Pollock,
Faison,	Reid,
Houlder,	Ward,
Kerr,	Whitaker,
Larkins,	Whitfield,
Melvin,	Williams,
Mitchell,	Wilson—25.
McDiarmid,	

Received from the House of Commons a message, stating that Messrs. Brower, Whitehurst, Smith and Rand, form their additional branch of the committee on enrolled bills.

Mr. Speed presented the following resolution:

Resolved, That the private Secretary of the Governor of North Carolina, is hereby authorised and empowered to hire a servant to wait on the Governor's office: *provided*, that not more than forty-eight dollars shall be appropriated to that purpose for any one year.

Which was read the first and second times and passed—yeas 31—nays 8. The yeas and nays were demanded by Mr. Cooper.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Moore,
Arrington,	Morehead,
Bond,	Moye,
Bynum,	Orr,
Clingman,	Parks,
Cooper,	Reid,
Edwards,	Selby,
Faison,	Shepard,

Gaither,
Hawkins,
Hellen,
Hill,
Kerr,
Melchor,
Mitchell,
McDiarmid,

Speed,
Spiers,
Spruill,
Waddell,
Ward,
Wilson,
Worth—31.

Those who voted in the negative, were

MESSRS. Etheridge,
Houlder,
Larkins,
Melvin,

MESSRS. Pollock,
Whitaker,
Whitfield,
Williams—8.

The resolution was then read the third time and passed, and ordered to be engrossed.

The bill entitled a bill to unite the Board of Internal Improvement and the Literary Board, and to amend the 60th, 61st, 66th and 67th chapters of the Revised Statutes, was taken up and read the third time and rejected.

Mr. Bynum presented a bill entitled a bill to regulate the time of holding the Courts in Rutherford and Cleveland counties; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Speed moved that the vote by which was rejected the bill for the relief of the Raleigh and Gaston Rail Road Company, be re-considered; which motion was decided in the affirmative—yeas 25, nays 18. The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

MESSRS. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Edwards,
Faison,
Gaither,
Hawkins,
Hellen,
Hill,
Melchor,
Moore,

MESSRS. Montgomery,
Morehead,
Orr,
Parks,
Ribelin,
Selby,
Shepard
Speed,
Spiers,
Spruill,
Waddell,
Worth—25.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Houlder,
Kerr,
Larkins,
Melvin,
Mitchell,
Moye,

MESSRS. McDiarmid,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—18.

Mr. Clingman then moved a substitute therefor; which he afterwards withdrew.

The bill was then read the third time and passed—yeas 23. nays 20. The yeas and nays were demanded by Mr. Larkins.

Those who voted in the affirmative, were

Messrs. Albright,
Bond,
Bynum,
Clingman,
Dockery,
Edwards,
Gaither,
Hawkins,
Hellen,
Melchor,
Mitchell,
Morehead,

MESSRS. Moore,
Montgomery,
Parks,
Ribelin,
Selby,
Shepard,
Speed,
Spiers,
Spruill,
Waddell,
Worth—23.

Those who voted in the negative, were

MESSRS. Arrington,
Cooper,
Etheridge,
Faison,
Hill,
Houlder,
Kerr,
Larkins,
Melvin,
McDiarmid,

MESSRS. Moye,
Orr,
Pasteur,
Pollock,
Reid,
Ward,
Whitaker,
Whitfield,
Williams,
Wilson—20.

Mr. Edwards moved to amend the title of the bill by striking out the original, and inserting the following, to wit:

“A bill to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.”

Which motion was decided in the affirmative—yeas 27, nays 13. The yeas and nays were demanded by Mr. McDiarmid.

Those who voted in the affirmative, were

MESSRS. Albright,	MESSRS. Mitchell,
Bond,	Moore,
Bynum,	Morehead,
Clingman,	Montgomery,
Cooper,	Moye,
Dockery,	Parks,
Edwards,	Ribelin,
Etheridge,	Selby,
Gaither,	Shepard,
Hawkins,	Speed,
Hellen,	Spiers,
Hill,	Spruill,
Kerr,	Waddell,
Melchor,	Worth—27.

Those who voted in the negative, were

MESSRS. Arrington,	MESSRS. Pollock,
Houlder,	Reid,
Larkins,	Whitaker,
Melvin,	Whitfield,
McDiarmid,	Williams,
Orr,	Wilson—13.
Pasteur,	

Ordered that said bill be engrossed.

On motion of Mr. Morehead,

Ordered, That Mr. Montgomery have leave of absence from the service of the Senate from and after to day, the remainder of the session.

On motion of Mr. Dockery,

Ordered, That Mr. Ward have leave of absence from

the service of the Senate from and after to-day, the balance of the session.

On motion of Mr. Spruill, the Senate took a recess 'till 4 o'clock.

FOUR O'CLOCK, P. M.

The Senate met agreeably to adjournment.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to repeal an act, entitled an act to repeal in part the 13th section of an act passed in 1821, authorising the making a Turnpike Road in the county of Buncombe.

Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they recede from their amendment to the resolutions concerning the Statue of Washington.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Nantabala Turnpike Company, of the counties of Macon and Cherokee, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills and resolutions:

A bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State.

A resolution concerning Lumber River.

Mr. Bynum presented a bill concerning the Raleigh and Gaston Rail Road Company; which was read the first time and passed, and on motion of Mr. Wilson, laid on the table.

Mr. Hill presented the following resolution:

Resolved, That a message be sent to the House of Commons, proposing to rescind the joint resolution for the adjournment of the two Houses this day, and proposing that the two Houses adjourn to morrow *sine die*.

Which was read and agreed to.

Mr. Bond moved that the vote by which was rejected the engrossed resolution in favor of Lunsford Lane, be reconsidered; which motion was agreed to.

The resolution was then read the second and third times and passed, and ordered to be enrolled.

Mr. Waddell presented a bill entitled a bill to authorise the construction of the Raleigh and Western Turnpike Road; which was read the first and second times, and on motion of Mr. Arrington, laid on the table by the following vote—yeas 21, nays 10. The yeas and nays were demanded by Mr. Bynum.

Those who voted in the affirmative, were,

MESSRS. Arrington,	Messrs. Moye,
Cooper,	Orr,
Etheridge,	Pasteur,
Faison,	Pollock,
Hill,	Reid,
Houlder,	Speed,
Kerr,	Whitaker,
Larkins,	Whitfield,
Melehor,	Williams,
Melvin,	Wilson—21.
McDiarmid,	

Those who voted in the negative, were

MESSRS. Albright,	MESSRS. Hellen,
Bond,	Mitchell,
Bynum,	Moore,
Clingman,	Morehead,
Doekery,	Waddell—10.

Received from the House of Commons a message, concurring in the proposition of the Senate to rescind the resolution to adjourn to-day.

They also agree to the proposition of the Senate to adjourn *sine die* on to-morrow the 12th inst.

Received from the House of Commons a message, stating that they have passed the resolutions directing the Public Treasurer (under certain contingencies) to borrow money, and asking the concurrence of the Senate. Said resolutions were read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Bynum, the bill entitled a bill concerning the Raleigh and Gaston Rail Road Company, was taken up, amended; on motion of Mr. Bynum, the bill was read the second time; and on motion of Mr. Gaither, the bill and amendments were laid on the table—yeas 25, nays 9.

Those who voted in the affirmative, were

MESSRS. Arrington,
Bond,
Clingman,
Cooper,
Dockery,
Edwards,
Etheridge,
Faison,
Gaither,
Hawkins,
Hellen,
Houlder,
Kerr,

MESSRS. Melchor,
Melvin,
McDiarmid,
Pasteur,
Pollock,
Reid,
Ribelin,
Spiers,
Spruill,
Whitfield,
Williams,
Wilson—25.

Those who voted in the negative, were

MESSRS. Albright,
Bynum,
Larkins,
Mitchell,
Moore,

MESSRS. Morehead,
Moye,
Orr,
Worth—9.

On motion of Mr. Clingman, the Senate adjourned until to-morrow morning 7 o'clock.

TUESDAY, JANUARY 12, 1841.

The Senate met agreeably to adjournment. Mr. Orr asked and obtained leave to withdraw from the file of the Senate, the documents relative to the Union county bill.

Mr. Bynum presented a bill entitled a bill for the benefit of the Raleigh and Gaston Rail Road Company; which

was read the first, second and third times and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed upon all the business brought before them at this session, and are now ready to adjourn *sine die*.

Whereupon a message was sent to the House of Commons agreeing thereto.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the thanks of the Senate are due, and are hereby given to Col. Andrew Joyner, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair.

The question on the resolution being put by Mr. Spruill, it was adopted unanimously.

The Speaker then made an appropriate address to the Senate, and adjourned the same without day.

A. JOYNER, S. S.

By Order,

THOS. G. STONE, C. S.

JOURNAL

OF THE

HOUSE OF COMMONS.

At a General Assembly of the State of North Carolina, begun and held at the Capitol, in the City of Raleigh, on Monday the sixteenth day of November, in the year of our Lord one thousand eight hundred and forty, and in the sixty-fifth year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following members of the House of Commons appeared, exhibited their credentials, and were qualified according to law, viz:

- Anson County—Patrick H. Winston, John McCollum.
- Ashe—Alexander B. McMillan.
- Beaufort—James O'K. Williams, Shadrack P. Allen.
- Bertie—Lewis Thompson, John R. Gilliam.
- Bladen—George W. Bannerman.
- Brunswick—Frederick J. Hill.
- Buncombe—Montreville Patton, Thomas Morris.
- Burke—Wm. M. Carson, Elisha P. Miller, Jos. Neal.
- Cabarrus—Daniel M. Barringer.
- Camden —————
- Carteret—Elijah Whitehurst.
- Caswell—Calvin Graves, Levi Walker.
- Chatham—John S. Guthrie, Isaac Clegg, Spence McClennehan.
- Chowan —————
- Columbus—Absalom Powell.
- Craven—Samuel Hyman, William B. Wadsworth.
- Cumberland—David Reid, John Munroe.
- Currituck—John B. Jones.
- Davidson—Charles Brummell, Burgess L. Beall. ✓
- Duplin—James G. Dickson.
- Edgecomb—Wm. S. Baker, Joshua Barnes,
- Franklin—Young Patterson, Thomas Howerton.

Gates _____

Granville—R. B. Gilliam, H. L. Robards, Jas. A. Russell.

Greene—John W. Taylor.

Guilford—George C. Mendenhall, Wm. Doak, Jas. Brannock.

Halifax—Sterling H. Gee.

— Haywood—Joseph Keener.

Heriford—Wm. N. H. Smith.

Hyde—Tilman Farrow.

✓ Iredell—Jos. P. Caldwell, Jno. A. Young, Jno. H. McLaughlin.

Johnston—Jesse Adams, James Tomlinson.

Jones—William Huggins.

Lenoir—Windall Davis.

— Lincoln—Michael Hoke, O. W. Holland, Wm. W. Monday.

— Macon—Jacob Siler.

Martin—Asa Biggs.

— Mecklenburg—Green W. Caldwell, Jno. Walker, Benj. Morrow.

— Montgomery—Thomas Pemberton, Edmund F. Lilly.

— Moore—Duncan Murchison.

Nash—Ford Taylor.

New Hanover—James T. Miller, James Kerr.

Northampton—Samuel B. Spruill, Edmund Jacobs.

Onslow—Thomas Ennett.

— Orange—Wm. A. Graham, Nat. J. King, M. W. Holt, Cad. Jones, Jr.

Pasquotank—Albert G. Proctor.

Perquimons—Thomas Wilson.

Person—Robert Jones, Moses Chambers.

Pitt—John L. Foreman, Isaac Joiner.

Randolph—Wm. B. Lane, Alfred Brower.

Richmond—Duncan McLaurin, J. W. Covington.

Robeson—Daniel A. Graham, Neill Ragan.

✓ Rockingham—Richard P. Cardwell, George D. Boyd.

✓ Rowan—H. C. Jones, Isaac Burns, Francis Williams.

— Rutherford—Wm. J. T. Miller, Wm. E. Mills, Thos. Jefferson.

Sampson—Joseph Herring.

✓ Stokes—James M. Covington, Leonard Ziglar, Wm. Withers.

Surry—Nat. Boyden, Columbus Franklin, H. P. Poindexter.

Tyrrell—Charles McCleese.

Wake—Nat. G. Rand, Demp. B. Massey, Jas. M. Mangum.

Warren—Wm. Eaton, Jr., John H. Hawkins.

Washington—David C. Guyther.

Wayne—Curtis H. Brogden, Elias Barnes.

✓ Wilkes—John J. Bryan, David Gray.

Yancy _____

A quorum, consisting of a majority of the whole number of members being present, Mr. Barringer moved that Mr. Wm. A. Graham, of Orange, be appointed Speaker,

and there being no opposition, Mr. Graham was declared duly elected, and was conducted to the Chair by Mr. Barringer, from whence he made his acknowledgments in an appropriate address.

On motion of Mr. Hill, the House unanimously reappointed Charles Manly, Principal Clerk, and Edmund B Freeman, Clerk Assistant.

Mr. Winston moved that the House proceed to the appointment of a Door Keeper; the motion was agreed to, and the following persons were put in nomination for the office, viz: Messrs. Finch, Davidson, Franklin, Davis, Williams, Wright, Hyatt, Woodall, Gorman, Briggs and Stephenson. Whereupon the House proceeded to vote as follows:

FOR MR. FINCH,

MESSRS.

Winston,	Russell,	Brower,
McCollum,	J. W. Taylor,	McLaurin,
McMillian,	Farrow,	J. W. Covington,
J. O'K. Williams,	J. P. Caldwell,	H. C. Jones,
Allen,	Young,	Burns,
Hill,	McLaughlin,	F. Williams,
Barringer,	Huggins,	W. J. T. Miller,
Guthrie,	Monday,	Boyden,
Clegg,	Pemberton,	Poindexter,
McClennahan,	Lilly,	McCleese,
Hyman,	Murchison,	Guyther,
Wadsworth,	Proctor,	Bryan,
Brummell,	Lane,	Gray—40.
Beall,		

FOR MR. DAVIDSON,

MESSRS.

Patton,	E. P. Miller,	Siler,
Morris,	Neill,	Mills,
Carson,	Keener,	Jefferson—9.

FOR MR. FRANKLIN,

Mr. Spruill—1.

FOR. MR DAVIS,

MESSRS.

J. R. Gilliam,	R. B. Gilliam,	Robards—4.
Patterson,		

FOR MR. WILLIAMS,

MESSRS.

Biggs,	King,	Cad. Jones, Jr.—5.
Speaker,	Holt,	

FOR MR. HYATT;

MESSRS.

Mendenhall,	D. A. Graham,	Withers,
Doak,	Jno. Covington,	Franklin—8.
Brannock,	Ziglar,	

FOR MR. WOODALL.

MESSRS.

Bannerman,	Tomlinson,	Chambers,
Graves,	Davis,	Ragan,
L. Walker,	Hoke,	Cardwell,
Powell,	Holland,	Boyd,
Reid,	G. W. Caldwell,	Herring,
Munroe,	J. Walker,	Rand,
J. B. Jones,	Morrow,	Massey,
Dickson,	F. Taylor,	Mangum,
Baker,	J. T. Miller,	Eaton,
J. Barnes,	Kerr,	Hawkins,
Howerton,	Ennett,	Brogden,
Adams,	R. Jones,	E. Barnes—36.

FOR MR. GORMAN,

Messrs.

Thompson,	Gee,	Wilson—5.
Whitehurst,	Jacobs,	

FOR MR. BRIGGS,

Messrs.

Foreman,	Joiner—2.
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FOR MR. STEPHENSON,

Mr. Smith—1.

No one having received a majority of the whole number of votes, the House, on motion, proceeded to vote as follows:

FOR MR. FINCH,

Messrs:

Winston,	Russell,	McLaurin,
McCollum,	Gee,	J. W. Covington,
McMillan,	Smith,	D. A. Graham,
J. O'K. Williams,	Farrow,	Cardwell,
Allen,	Carson,	Boyd,
Thompson,	Young,	H. C. Jones,
J. R. Gilliam,	McLaughlin,	Burns,
Hill,	Adams,	F. Williams,
Morris,	Tomlinson,	W. J. T. Miller,
E. P. Miller,	Huggins,	Mills,
Neal,	Monday,	J. P. Caldwell,
Barringer,	Siler,	Jefferson,
Whitehurst,	Pemberton,	J. M. Covington,
Guthrie,	Lilly,	Withers,
Clegg,	Murchison,	Boyden,
McClennahan,	J. T. Miller,	Franklin,
Hyman,	Spruill,	Poindexter,
Wadsworth,	Jacobs,	McCleese,
J. B. Jones,	Munroe,	Guyther,
Brummell,	Proctor,	Brogden,
Beall,	Lane,	Bryan,
R. B. Gilliam,	Brower,	Gray—67.
Robards,		

FOR MR. WOODALL,

Messrs.

Bannerman,	Hoke,	R. Jones,
Graves,	Holland,	Chambers,
L. Walker,	Biggs,	Ragan,
Powell,	G. W. Caldwell,	Herring,
Reid,	J. Walker,	Rand,
Dickson,	Morrow,	Massey,
Baker,	F. Taylor,	Mangum,
J. Barnes,	Kerr,	Eaton,

Patterson,
Howerton,

Ennett,
Wilson,

Hawkins,
E. Barnes—30.

FOR MR. HYATT,

Messrs.

Mendenhall,

Doak,

Brannock—3.

FOR MR. DAVIDSON,

Messrs.

Patton,

Keener—2.

FOR MR. BRIGGS,

Messrs.

J. W. Taylor,

Foreman,

Joiner—3.

FOR MR. WILLIAMS,

Messrs.

Speaker,
King,

Holt,

C. Jones, Jr.—4.

Samuel J. Finch having received a majority of the whole number of votes, was declared duly elected Door Keeper.

The House, on motion, proceeded to the appointment of assistant door-keeper, and the following persons being put in nomination, viz:

Anderson, Gorman, Woodall and Kennedy, the House voted as follows:

FOR MR. ANDERSON,

Messrs.

Winston,
McCollum,
J. O'K. Williams,
Allen,
Thompson,
J. R. Gilliam,
Hill,
Patton,
Morris,

Russel,
J. W. Taylor,
Doak,
Brannock,
Gee,
Keener,
Smith,
Farrow,
J. P. Caldwell,

Mr. Speaker,
King,
Holt,
C. Jones,
Proctor,
R. Jones,
Chambers,
Foreman,
Jefferson,

Carson,	Young,	Eaton,
E. P. Miller,	McLaughlin,	Herring,
Whitehurst,	Adams,	Hawkins,
Guthrie,	Tomlinson,	Guyther,
Clegg,	Huggins,	Brogden,
McClernehan,	Davis,	E. Barnes,
Hyman,	Hoke,	Bryan,
Wadsworth,	Holland,	Gray,
Reid,	Munday,	Joiner,
Monroe,	Siler,	Lane,
J. B. Jones,	Biggs,	McLaurin,
Brummell,	G. W. Caldwell,	J. W. Covington,
B. S. Beall,	J. Walker,	D. A. Graham,
Dickson,	Morrow,	Ragan,
Baker,	Pemberton,	Mills,
J. Barnes,	Lilly,	Boyd,
Patterson,	Burns,	H. C. Jones,
Howerton,	Murchison,	Williams,
Cardwell,	Spruill,	W. J. T. Miller—83.
R. B. Gilliam,	Jacobs,	
Robards,	Ennett,	

FOR MR. GORMAN,

Messrs.

McMillan,	F. Taylor,	Brower,
Neal,	Mendenhall,	Rand,
Barringer	J. T. Miller,	Massey,
Graves,	Wilson,	Mangum—13.
L. Walker,		

FOR MR. KENNEDY,

Messrs.

J. M. Covington,	Boyden,	Poindexter,
Ziglar,	Franklin,	McCleese—7.
Withers,		

FOR MR. WOODALL,

Mr. Bannerman.

Thomas Anderson having received a majority of the whole number of votes, was declared duly elected assistant door-keeper.

Whereupon the House adjourned until to-morrow morning, ten o'clock.

TUESDAY, Nov. 17, 1840.

Benjamin A. Pope, one of the members from the county of Halifax; R. T. Paine, of Chowan; Abner H. Grandy, of Camden, appeared, exhibited their credentials, and were qualified according to law.

Received from the Senate a message, informing of the organization of that House, by the appointment of Andrew Joyner, Speaker; Thos. G. Stone, Principal Clerk, and Henry W. Miller, Clerk Assistant; Jehu Crews and Green Hill, Door Keepers; and of their readiness to proceed to public business.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, informing them of the organization of this House, and proposing that a Joint Select Committee of two on the part of each House be raised, to wait upon His Excellency the Governor, and inform him of the organization of the two branches of the Legislature, and of their readiness to receive any communication which he may see fit to make.

Mr. Adams moved that a committee of five members be appointed to prepare and report Rules of Order for the government of this House; and that in the interim the Rules of the last session of the House of Commons be deemed and held in force.

The motion prevailed; and Messrs. Adams, Hoke, Hill, Barringer and R. B. Gilliam were appointed said committee.

A message from the Senate, agreeing to the proposition of this House to raise a Joint Select Committee of two on the part of each House, to wait upon His Excellency the Governor, and informing that Messrs. Morehead and Orr form the committee on the part of the Senate.

Ordered, That Messrs. Wilson and J. T. Miller form said committee on the part of this House.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election for three En-

grossing Clerks; and informing that Messrs. John Rose, J. Russ, D. Hearn, J. Drake, W. Valentine, A. Miller, J. Houze, A. Stanly, W. Harrison and G. Hoyt are in nomination for the appointment.

A message was received from the Senate, agreeing to the proposition, and informing that the names of T. L. Jump, W. J. Allison, H. W. Burgwyn are added to the nomination; and that Messrs. Clingman and McDiarmid are appointed to superintend the election on the part of the Senate.

Ordered, That Messrs. Spruill and W. J. T. Miller superintend the election on the part of the Commons.

The House then voted as follows:

FOR MR. ROSE,

Messrs.

Speaker,	Carson,	Ennett,
Beall,	Chambers,	Morris,
Brannock,	Clegg,	Murchison,
Brogden,	Jacobs,	McCleese,
Brower,	Joiner,	McClennehan,
Farrow,	H. C. Jones,	McCollum,
Franklin,	C. Jones,	McLaughlin,
Gee,	R. Jones,	McMillan,
D. A. Graham,	Keener,	Patton,
Grandy,	King,	Poindexter,
Gray,	Lilly,	Robards,
Guyther,	Mendenhall,	J. W. Taylor,
Hawkins,	W. J. T. Miller,	J. O'K. Williams,
Hill,	J. M. Covington,	F. Williams,
Holt,	Davis,	Wilson,
Brummell,	Dickson,	Withers—50.
Bryan,	Doak,	

FOR MR. RUSS,

Messrs.

Davis,	R. B. Gilliam,	Massey,
Eaton,	Howerton,	Patterson,
Ennett,	Mangum,	Rand,
Robards,	Russell,	Whitehurst—12.

FOR MR. HEARN,

Messrs.

Barringer,	Monday,	Pemberton,
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J. W. Covington,	Morrow,	Reid,
Holland,	Murchison,	J. Walker,
Lane,	McLaurin,	Winston,
Lilly,	Neal,	Withers—16.
Mendenhall,		

FOR MR. VALENTINE,

Messrs.

Biggs,	C. Jones,	Spruill,
J. R. Gilliam,	Payne,	Thompson,
Jacobs,	Pope,	Wilson—11.
J. B. Jones,	Smith,	

FOR MR. JUMP,

Mr. Gee—1.

FOR MR. DRAKE,

Messrs.

Speaker,	J. B. Jones,	Foreman,
Baker,	R. Jones,	Graves
Bannerman,	Kerr,	Lane,
J. Barnes,	McCollum,	Mangum,
E. Barnes,	McLaughlin,	Massey,
Beall,	McLaurin,	Mendenhall,
Boyd,	McMillan,	W. J. T. Miller,
Brannock,	Neal,	Mills,
Brogden,	Patterson,	Morris,
Brower,	Pemberton,	Murchison,
Brummell,	Powell,	McClenahan,
Bryan,	Ragan,	Siler,
Gray,	Rand,	F. Taylor,
Guyther.	Russell,	Tomlinson,
Hawkins,	Burns,	L. Walker,
Herring,	Cardwell,	Whitehurst,
Hill,	Chambers,	Winston,
Holt,	Clegg,	Withers,
Huggins,	J. W. Covington,	Young,
Jefferson,	J. M. Covington,	Patton,
H. C. Jones,	Doak.	Ziglar—62.

FOR MR. MILLER,

Messrs.

Bannerman,	G. W. Caldwell,	Herring,
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Barringer,	Cardwell,	Hoke,
Beall,	Carson,	Holland,
Boyd,	Chambers,	Jefferson,
Boyden,	Dickson,	H. C. Jones,
Brannock,	Doak,	R. Jones,
Brogden,	Ennett,	Keener,
Brummell,	Franklin,	Kerr,
Bryan,	D. A. Graham,	King,
Burns,	Grandy,	E. P. Miller,
J. P. Caldwell,	Gray,	J. T. Miller,
W. J. T. Miller,	McLaughlin,	L. Walker,
Mills,	McMillan,	J. Walker,
Monday,	Poindexter,	F. Williams,
Morris,	Powell,	Young,
Morrow,	Ragan,	Ziglar—50.
Munroe,	Siler,	

FOR MR. HOWZE,

Messrs.

Adams,	Hawkins,	Neal,
Baker,	Herring,	Patterson,
Bannerman,	Hoke,	Powell,
J. Barnes,	Holland,	Ragan,
E. Barnes,	Howerton,	Reid,
G. W. Caldwell,	Hyman,	Robards,
Dickson,	Jefferson,	Russell,
Eaton,	Kerr,	F. Taylor,
Gee,	J. T. Miller,	Wadsworth,
R. B. Gilliam,	Munroe,	J. Walker.
J. R. Gilliam,	McClennehan,	

FOR MR. STANLY,

Messrs.

Adams,	Howerton,	Reid,
Allen,	Huggins,	J. W. Taylor,
Boyden,	Hyman,	Wadsworth,
J. P. Caldwell,	E. P. Miller,	Whitshurst.
Foreman,	Munroe,	

FOR MR. BURGWIN,

Messrs.

Baker,	Hoke,	Pope,
J. Barnes,	Holt,	Proctor,

Biggs,
G. W. Caldwell,
Davis,
Graves,

C. Jones,
King,
J. T. Miller,

Smith,
Spruill,
Tomlinson.

FOR MR. HARRISON,

Messrs.

Barringer,
Mangum,

Monday,
Morrow,

FOR MR. ALLISON,

Messrs.

Allen,
Farrow,
J. R. Gilliam,

Joiner,
McCleese,
Paine,

Pope,
Thompson,
J. O'K. Williams.

FOR MR. HOYT,

Messrs.

Speaker,
Adams,
Allen,
E. Barnes,
Biggs,
Boyd,
Boyden,
Brower,
Burns,
J. P. Caldwell,
Cardwell,
Carson,
Clegg,
J. W. Covington,
J. M. Covington,
Eaton,
Farrow,
Foreman,
Franklin,
R. B. Gilliam,

D. A. Graham,
Grandy,
Graves,
Guyther,
Hill,
Huggins,
Hyman,
Jacobs,
Joiner,
J. B. Jones,
Keener,
Lane,
Lilly,
Massey,
E. P. Miller,
Mills,
McCleese,
McCollum,
McLaurin,
Paine,

Patton,
Pemberton,
Poindexter,
Proctor,
Rand,
Siler,
Smith,
Spruill,
J. W. Taylor,
F. Taylor,
Thompson,
Tomlinson,
Wadsworth,
L. Walker,
J. O'K. Williams,
F. Williams,
Winston,
Wilson,
Young,
Ziglar.

Mr. Spruill, from the committee appointed to superintend this election, reported that Gould Hoyt had received a majority of the whole number of votes, and was

duly elected, that no other person in nomination had received such majority.

The report was concurred in.

Mr. Wilson on behalf of the committee appointed to inform His Excellency the Governor of the organization of the two Houses, &c. &c.; reported that he was instructed to announce to the House that His Excellency Governor Dudley would, at 12 o'clock to-morrow, send in a communication in writing.

The Speaker laid before the House, two communications addressed to the General Assembly, by Hon. Bedford Brown and the Hon. Robert Strange, containing the resignation of their seats in the Senate of the United States.

On motion of Mr. Hill, these resignations were read and accepted, and ordered to be sent to the Senate.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senate, proposing to vote again immediately for two engrossing clerks, and informing that the names of Messrs. Russ and Valentine are withdrawn from the nomination.

Received from the Senate a message, concurring in this proposition, informing that the name of Thos. L. Jump is withdrawn from the nomination, and that Messrs. Spruill and Melvin, form their branch to superintend the election.

Ordered, That Messrs. Patton and Cardwell form said committee on the part of the House of Commons.

The House then voted as follows:

FOR MR. DRAKE,

Messrs:

The Speaker,
Baker,
J. Barnes,
E. Barnes,
Beall,
Boyd,
Brogden,
Brower,
Cardwell,

Graves,
Guthrie,
Holland,
Howerton,
Jacobs,
Jefferson,
Joiner,
J. B. Jones,
R. Jones,

W. J. T. Miller,
McClennelian,
McCollum,
McLaurin,
Neal,
Patterson,
Rand,
Siler,
F. Taylor,

Chambers,
Clegg,
J. W. Covington,
Dickson,

Lane,
Mangum,
Massey,
Mendenhall,

Tomlinson,
L. Walker,
Winston,

FOR MR. MILLER,

MESSRS.

Bannerman,
Barringer,
Beall,
Biggs,
Boyd,
Boyden,
Brogden,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
G. W. Caldwell,
Cardwell,
Carson,
Eaton,
Ennett,
Foreman,
Franklin,
R. B. Gilliam,
J. R. Gilliam,
D. A. Graham,

Grandy,
Graves,
Gray,
Guthrie,
Herring,
Hill,
Hoke,
Holland,
Jefferson,
H. C. Jones,
C. Jones,
Keener,
Kerr,
Lilly,
Massey,
J. T. Miller,
E. P. Miller,
W. J. T. Miller,
Mills,
Monday,
Morris,

Morrow,
Munroe,
Murchison,
McLaughlin,
McMillan,
Patton,
Poindexter,
Powell,
Proctor,
Ragan,
Russell,
Siler,
Smith,
Thompson,
Tomlinson,
L. Walker,
J. Walker,
F. Williams,
Withers,
Young,
Ziglar.

FOR MR. ROSE,

Messrs.

Speaker,
Brannock,
Brummell,
Bryan,
Carson,
Clegg,
J. M. Covington,
Davis,
Dickson,
Doak,
Franklin,
Gee,

Guyther,
Hawkins,
Hill,
Holt,
Huggins,
Jacobs,
H. C. Jones,
R. Jones,
Keener,
King,
Mendenhall,
Mills,

McLaughlin,
McMillan,
Patton,
Pemberton,
Poindexter,
Robards,
Smith,
Spruill,
J. W. Taylor,
Whitehurst,
J. O'K. Williams,
F. Williams,

J. R. Gilliam,	Morris,	Wilson,
D. A. Graham,	Murchison,	Withers,
Grandy,	McCollum,	Young.
Gray,		

FOR MR. ALLISON,

Messrs.

Adams,	Joiner,	J. W. Taylor,
Allen,	McCleese,	Thompson,
Brannock,	Pope,	Whitehurst,
Farrow,	Spruill,	J. O'K. Williams.
Foreman,		

FOR MR. STANLY,

Messrs.

Allen,	Huggins,	McCleese,
Boyden,	Hyman,	Reid,
Farrow,	E. P. Miller,	Wadsworth.
Guyther,		

FOR MR. HOWZE,

Messrs.

Adams,	Hawkins,	Paine,
Baker,	Herring,	Patterson,
Bannerman,	Hoke,	Powell,
E. Barnes,	Howerton,	Ragan,
G. W. Caldwell,	Hyman,	Rand,
Chambers,	Kerr,	Reid,
Davis,	Mangum,	Robards,
Eaton,	J. T. Miller,	Russell,
Ennetc,	Munroe,	Wadsworth,
Gee,	McClennehan,	J. Walker.
R. B. Gilliam,	Neal,	

FOR MR. BURGWYN,

MESSRS.

J. Barnes,	C. Jones,	Proctor,
Biggs,	King,	F. Taylor,
Holt,	Pope,	Wilson.
J. B. Jones,		

FOR MR. HEARN,

MESSRS.

Barringer,	Doak,	McLaurin,
Brower,	Lane,	Paine,
Burns,	Lilly,	Pemberton,
J. P. Caldwell,	Monday,	Winston,
J. W. Covington,	Morrow,	Ziglar.
J. M. Covington,		

Mr. Cardwell, from the committee appointed to superintend this election, reported that Adolphus Miller had received a majority of the whole number of votes and was duly elected; and that no other person had received such majority. The report was concurred in; and the House then adjourned until to-morrow morning ten o'clock.

WEDNESDAY, Nov. 18, 1840.

Hampton Sullivan, of Duplin, and John Killian, of Lincoln, appeared, exhibited their credentials, and were qualified according to law.

On motion of Mr. Reid,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for one engrossing clerk.

On motion of Mr. H. C. Jones,

Resolved, That a message be sent to the Senate, proposing the appointment of a joint select committee of 3 from each House, to examine the apartments of the Capitol, and assign to the State officers and the committees of the General Assembly their several rooms; and that they ascertain whether any other order in relation to the Capitol be necessary, and that they report by bill or otherwise.

Mr. Ried presented pension certificates from the County Court of Cumberland, in favor of Isabella Campbell, allowing her the sum of forty dollars a year for 1839 and 1840; and in favor of Martha Spears of said County, for the sum of fifty dollars a year, for 1839 and 1840.

Mr. McLaughlin also presented certificates from the

County Court of Iredell, in favor of Mary Marshall, for 48 dollars, for the year 1840; and in favor of Ann Patterson of said County, for 32 dollars and 50 cents, for the year 1840.

These certificates were, on motion, ordered to be countersigned by the Speaker of this House, and sent to the Senate.

A message from the Senate, concurring in the proposition of this House to vote immediately for one engrossing clerk, informing that the name of Mr. Burgwyn is withdrawn from the nomination, and that Messrs. Mitchell and Whitfield compose the committee on their part to superintend the election.

Ordered, That the Senate be informed that the name of Mr. Stanly is withdrawn from the nomination; and that Messrs. McCleese and Holland form the committee to superintend said election on the part of the Commons.

The vote of the House was as follows:

FOR MR. ROSE,

MESSRS.

Speaker,	Hill,	McMillan,
Boyden,	Holt,	Patton,
Brannock,	Jacobs,	Poindexter,
Bryan,	Jefferson,	Proctor,
Burns,	H. C. Jones,	Siler,
J. P. Caldwell,	C. Jones,	Smith,
Carson,	Keener,	Spruill,
J. W. Covington,	King,	J. W. Taylor,
J. M. Covington,	Mills,	Wadsworth,
Doak,	Morris,	F. Williams,
Franklin,	Murchison,	Withers,
Gee,	McCollum,	Young,
D. A. Graham,	McLaughlin,	Ziglar.
Gray,		

FOR MR. DRAKE,

MESSRS.

Baker,	Chambers,	Mangum,
Bannerman,	Clegg,	Massey,
J. Barnes,	Eaton,	Mendenhall,
E. Barnes,	Ennett,	W. J. T. Miller,

Beall,	Graves,	Monday,
Biggs,	Guthrie,	Morrow,
Boyd,	Guyther,	Rand,
Brogden,	Holland,	F. Taylor,
Brower,	Huggins,	Tomlinson,
Brummell,	J. B. Jones,	L. Walker,
G. W. Caldwell,	R. Jones,	J. Walker,
Cardwell,	Lane,	Winston.

FOR MR. HOWZE,

Messrs.

Davis,	Killian,	Powell,
Diekson,	E. P. Miller,	Ragan,
R. B. Gilliam,	J. T. Miller,	Reid,
Hawkins,	Munroe,	Robards,
Herring,	McClennehan,	Russell,
Hoke,	Paine,	Sullivan.
Kerr,		

FOR MR. ELLISON,

Messrs.

Adams,	J. R. Gilliam,	Thompson,
Allen,	Hyman,	Whitehurst,
Farrow,	Joiner,	J. O'K. Williams.
Foreman,	McCleese,	

FOR MR. HEARN,

Messrs.

Barringer,	Lilly,	Pemberton.
Grandy,	McLaurin,	

Received from the Senate a message, proposing that a joint select committee of five on the part of each House be raised, to prepare and report Joint rules for the regulation of the intercourse between the two Houses.

The proposition was agreed to, and Messrs. Adams, Hoke, Hill, Barringer, R. B. Gilliam, appointed said committee on behalf of the Commons.

A message from the Senate, transmitting a communication from the Secretary of State, relating to the public printing. The communication was read, and, on motion

of Mr. H. C. Jones, referred to a select committee of five, consisting of Messrs. H. C. Jones, Mills, Rand, McCleese, Hawkins.

The Speaker laid before the House the report of Chas. L. Hinton, Public Treasurer, on the State of the Public Funds.

Ordered, on motion of Mr. Lilly, that it be sent to the Senate, with a proposition to print.

Mr. McCleese, from the committee appointed to superintend the election of one engrossing clerk, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from his Excellency the Governor, E. B. Dudley, by his Private Secretary, Mr. C. C. Battle, the following communication: which was read, and, on motion of Mr. Hill, ordered to be transmitted to the Senate, together with the accompanying documents.

Mr. Hill also moved that ten copies of the Governor's Message be printed for each member. The question on printing ten copies was decided in the negative—ayes 52, noes 58. The ayes and noes called for by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Adams,	Guyther,	McLaurin
Allen,	Hill,	McMillan,
Barringer,	Huggins,	Paine,
Beall,	Joiner,	Patton,
Brummell,	H. C. Jones,	Pemberton,
Bryan,	Keener,	Poindexter,
Burns,	King,	Robards,
Clegg,	Lane,	Russell,
J. M. Covington,	Lilly,	Siler,
J. W. Covington,	Mendenhall,	Spruill,
Ennett,	Mills,	Thompson,
Farrow,	Morris,	Whitehurst,
Franklin,	Murchison,	J. O'K. Williams,
Gee,	McCleese,	F. Williams,
J. R. Gilliam,	McClenehan,	Winston,
D. A. Graham,	McCollum,	Withers,
Grandy,	McLaughlin,	Young—52.
Gray,		

Those who voted in the negative, were

MESSRS.

Baker,	R. B. Gilliam,	W. J. T. Miller,
Bannerman,	Graves,	Monday,
E. Barnes,	Hawkins,	Morrow,
J. Barnes,	Herring,	Munroe,
Biggs,	Hoke,	Neal,
Boyd,	Holland,	Powell,
Boyden,	Holt,	Proctor,
Brannock,	Hyman,	Ragan,
Brogden,	Jacobs,	Rand,
Brower,	Jefferson,	Reid,
J. P. Caldwell,	J. B. Jones,	Smith,
G. W. Caldwell,	C. Jones,	Sullivan,
Cardwell,	R. Jones,	J. W. Taylor,
Carson,	Kerr,	F. Taylor,
Chambers,	Killian,	Tomlinson,
Davis,	Mangum,	Wadsworth,
Dickson,	Massey,	L. Walker,
Doak,	E. P. Miller,	J. Walker,
Eaton,	J. T. Miller,	Ziglar—58.
Foreman,		

Mr. Boyden moved that the proposition to the Senate be, to print five copies of the Message for each member; and this motion prevailed.

GOVERNOR'S MESSAGE.

To the Honorable the

General Assembly of North Carolina :

GENTLEMEN:—The declarations of the people against the administrations of the Federal and most of the State Governments—the deep sensation and embittered feelings of the contending parties as to the cause, must necessarily greatly deepen the interest which usually attends the meeting, and increase the responsibility of your honorable body.

But, while we have, in the confident hope that it will restore the country to its former happy and prosperous condition, abundant cause to rejoice over this peaceful revolution; yet we should remember that our fellow citizens of the administration party, with the exception, perhaps, of the officers and aspirants, although mistaken, as we believe, in their views, can have but one common interest with ourselves,

and are rather entitled to our sympathy and conciliation than to our hatred and persecution.

Their fortunes have failed in their own hands, and under their own management; and it becomes us, as those on whom the responsibility has devolved, calmly to survey the position we occupy, and prepare ourselves with energy and dignity to meet the crises.

As it is the part of wisdom to profit by experience, it is necessary and proper to refer to the causes of the revolution, and particularly where connected with our peculiar interest, the better to enable us to avoid the evil and embrace the good.

The bank of the United States, which grew out of the necessities of the country, at two periods of great distress, (and which would seem almost to give sacredness to its existence,) and which answered every purpose promised by its most sanguine friends, or anticipated by the public, was doomed to executive hostility, because it would not yield political obedience. It was re-chartered by Congress, but vetoed by the President. The public money was then removed from its lawful place of deposit, in the bank of the United States, to the local banks, by the President, under the plea that it was unsafe. This ground, taken by the President, was disapproved by a report from a committee of Congress. ✓

The Senate of the United States became alarmed at these indications of violence and usurpation, and declared the removal of the deposits unconstitutional. The President appealed to the people, against both the bank and the Senate—declaring the bank dangerous to the liberties of the country—a monster of foreign materials; and that a better currency could be given by the local banks, without the danger; and that the Senate had done him gross injustice.—The appeal was sustained. Nothing was recollected but his splendid and successful military career. Several of the State Legislatures were filled by his partizans, who supported his opposition to the bank, and instructed their Senators to expunge the resolution declaring his act unconstitutional for removing the deposits, or to resign their seats to more unscrupulous hands; and it was done. Some yielded to the servile act, in defacing the journals of the Senate; and others, through a cherished though mistaken abstraction, abandoned their posts; which has impaired, and, if continued, will destroy the most stable and valuable part of our Constitution, and in all probability, the government itself. ✓

The House of Representatives could not but feel the in-

fluence of the will of the people concentrated in the Executive. His power was tremendous enough to intoxicate the brain of a less philosophical chief.

The fate of the bank was decided. The deposits were retained in the local banks, and recommended to be loaned out. Banks increased rapidly, and discounted freely. The disbursements of the government increased some fifty per cent., or about twelve millions of dollars annually. Property and labor of all kinds rose in price. Public works were commenced, and some completed, of vast magnitude; and general prosperity reigned, not only in this country, but in Europe. Up to 1834, under the operations of the "bill of abominations," the payment of the public debt, mostly due to Europeans, filled that country with money seeking investments; a great deal of which was taken by our States, Banks, Rail Roads, Canals and Manufacturing Companies, and returned to this country at a rate of interest higher than had been given by the government. Whether designed or not, this command and disbursement of large amounts of money, completely, at the time covered the consequences of the destruction of the Bank of the United States, and gave to the country a hollow and factitious prosperity.

Notwithstanding the great increase of expenditures, some forty millions of surplus had accumulated in the vaults of the local banks. Upon a previous occasion, the President had advised a distribution; and after a fierce struggle in Congress, an act was passed directing it to be deposited with the States; and, although his views had subsequently undergone a change, he reluctantly approved the measure.

Foreign capitalists, used to wars and convulsions, watched the operations of our government with a vision true to their interests; and, taking alarm at the attack of the President on foreign capital, his revolutionary spirit, and daring usurpations, withdrew their funds, in time, to a place of safety. The banks commenced curtailing, to meet the provisions of the distribution act. But it was soon discovered that it could not, with other demands be met; and a suspension of specie payments ensued throughout the land. A tremendous and frightful revolution, in every branch of business, took place; and credit and confidence were shaken to the centre. Money became more scarce in both hemispheres; it seemed, indeed, to have vanished. Interest rose, and with difficulty negotiations could be effected on any terms. Instead of coolly investigating the causes, and applying such relief as his elevated and powerful position

might command, to save thousands from ruin and distress, the President denounced the local Banks as worthless and faithless—pursued them with an inveterate rancour—and turned upon them the full tide of public indignation—made them the stalking horse of the demagogue—robbed them of the people's confidence, and paralyzed all their useful energies. But, by his own act, the deposit of the public monies, the Banks had been stimulated to wild expansion; they were, for the most part, controlled by his own political friends, and were the creatures of his devoted States.

In the Treasury Circular, the President added another link to the already lengthened chain of Executive usurpations. This Circular required specie only to be received at the land offices, which checked sales, and by further alarming the capitalitalists, added another blow to the already sinking credit of the banks. Congress *ventured* on a vote of disapprobation, by a large majority in both houses, repealing the order. But the President placed it in his pocket, and thus defeated it.

The President's popularity was yet so powerful as to contribute very largely to the election of his successor, the present incumbent, whose other claims on the confidence and affection of the American people, were certainly questionable. He promised, however, to tread in the footsteps of his illustrious predecessor, and declared that it was glory enough to have served under such a chief; and the people were satisfied.

The present incumbent came into power at a period most unfortunate for himself and for the country. A re-action, as we have shown, had commenced—in a bloated and boasted prosperity; and he had pledged himself to the course best calculated to urge it on. He had, in his zeal to support the views of his predecessor, denounced a bank of the United States as unconstitutional, and cut off all relief from that quarter. The local banks had been denounced as unworthy of public confidence; and he sunk them yet lower by concurring in their condemnation. The affairs of the country had become desperate—money scarce, and bank notes depreciated—the prices of property and labor tumbling down—improvements suspended—and bankruptcies numerous. Indeed, so gloomy were the affairs of the country, that the President convened an extra session of Congress, to devise means of relief; to whom he gravely recommended the withdrawal of the public monies from their former places of deposit, and to lock them up in safes and vaults, as the remedy.

As a part of his argument for a Sub-Treasury, he decried institutions which had been used, from the establishment of the government, as depositaries; and which, in times of emergency, responded patriotically to the calls of the government; and which had aided the great interests of this country to enter honorably the list of competition, in all necessary and valuable works of improvement, with those of the old world. At the first moment of difficulty, they are condemned as unworthy of public confidence, and even dangerous to liberty. Again, in December, 1837-'38, this Sub-Treasury is pressed on the consideration of Congress, as the grand panacea of all our woes.

Congress was composed of a majority of his friends, and it is quite immaterial whether they considered his project incompetent for the crisis, defective in principle, or nerveless in expediency—it was rejected.

The President now seemed to take the matter seriously to heart. The only measure he had concocted, by the aid of the Secretary of the Treasury, must not be treated so lightly. His forces are marshalled anew—the unfaithful discharged, and more supple tools put in their places. They open their battery on the dead Bank. The dying and living Banks they represent then as the hydra-headed monster, against which the former President had to exert his Herculean strength to keep in check. Corporations of all kinds were declared dangerous to liberty, to the poor, and to democracy. Congress convenes, and the President draws a strong and vivid picture of the distresses of the country, and again recommends the locking up of the public money in safes and vaults, as the means of relief. This doubtless was *pro forma*, as he had no money in the Treasury to be locked up. The fact that he has had to issue, from time to time, Treasury notes, shews how preposterous it is to expect relief at present, at least, from a scheme on which the government is destitute of the materials to operate.

To make this Sub Treasury scheme a law, the State of New Jersey has been disfranchised—her legal and official attestations trampled under foot—her sovereignty violated—her rights disregarded and insulted, by the friends of the present administration in the House of Representatives, by refusing seats in their body to persons regularly commissioned under her authority, and clothed with all the attributes of her sovereignty. By this act, every State in the Union has received a blow which should not be disregarded. By the request of the Governor of New Jersey, I herewith submit

the resolutions of her Assembly on this subject, marked A.

While the rights of New Jersey were being desecrated in the House of Representatives, the Senate was engaged in passing a resolution gratuitously refusing to assume the debts of the States, alike insulting to their feelings and injurious to their character. If, under circumstances of peculiar hardship and distress, a State were to petition Congress to assume her debts, and Congress was to do so, it would not differ in principle from assistance granted to an ally in distress by war, or to the relief afforded Carracas suffering from the effects of an earthquake, or to New York, when almost devastated by fire. At all events, a State would be entitled to a respectful attention and friendly consideration; but to refuse without being asked, is marked with the grossest impropriety and injustice. The Senate knew that many of the States were engaged in improvements of great importance, and depended on negotiating loans in Europe to complete them, and requiring unimpaired credit for advantageous success; which was necessarily injured by that action of the Senate, and the works most probably defeated.

It is true that North Carolina has no public debt; but it is not the less injurious and insulting to her character, to be told by her servants, (who are presumed to know,) in the Senate chamber, that she is unworthy of credit; and such a declaration by the Senate, when seen in distant parts of the world, where negotiations for money are sought, must be injurious to her credit—and probably would have defeated her object, if she had attempted to procure the loan contemplated by the act of your last session.

Now, gentlemen, I have shewn you the destruction of the National Bank, in total disregard of the wish of Congress and the mercantile and commercial parts of the nation; the violation of law and contract, in the removal of the public treasure from the place where the representatives of the country directed, under a false allegation; the issuing a Specie Circular, at the Executive will, and the continuing its operation after Congress had condemned it; placing the public money in favorite local Banks, and urging them to use it in expanding discounts—and, because they could not return it when called for, denouncing and persecuting them; the outrage upon the sovereignty of New Jersey; the gross and gratuitous insult on the character and credit of all the States; were enough, surely, without referring to the operations of trade, or the abuse of the Banking privilege, to alarm capitalists as to the stability and integrity of our institutions—to

banish money and destroy credit—in fine, to produce the terrible pecuniary revulsion which has shaken our country to its centre, bringing ruin and distress on thousands. And the Sub Treasury remedy, gentlemen, for diseases like these! Surely the Sangrado theory never has been so graphically illustrated. The weakness and inadequacy of the proposed remedy is, indeed, like sporting with our wrongs and sufferings.

What good can result from the withdrawal of all governmental connection—all its fiscal operations from the banks, and leaving the States to regulate the currency among themselves as they best may? It is like separating the head from the body, and expecting their joint functions to be continued. The President says that the Banks form a chain of dependence from one end of our country to the other, and that it “reaches across the ocean and ends in London, the centre of the credit system;” and with this chain of dependence of mighty magnitude he will have nothing to do, but leave us to the tender mercies of the English to regulate our currency and credit, perfectly indifferent to our fate, so that the government and its officers get their dues in gold and silver.

The President certainly looks to a total destruction of all Banks when he says, “It is moreover a principle, than which none is better settled by experience, that the supply of the precious metals will always be found adequate to the uses for which they are required. They abound in countries where no other currency is allowed.” Like the fabled appearance of men in Rhoderick Dhu, it is only necessary *to will*, and we shall have a plenty of specie, which seems to be so dear to his feelings.

He overlooks, or forgets entirely, the sacrifices to which we must submit to obtain it in competition with those countries, where it is now held. It will be first necessary to make the balance of trade preponderate in our favor in order to effect this, (the aid of Bank credit and our hitherto liberal and enlightened policy having been dispensed with.)

We must submit to the European and Asiatic prices of labor, their rigid economy, their grinding slavish habits of toil, before we can successfully compete with them in trade, agriculture and manufactures, or produce a balance in our favor to be discharged in coin. To expect a permanence of the precious metals from a forced and unnatural importation, would be about as rational as to attempt a suspension of the laws of gravitation.

The President says, “in a country so commercial as ours,

banks in some form will probably always exist;" and thinks the Sub Treasury will deprive them of the character of monopolies, and be a salutary regulator, and keep them in check. In this expectation of the continuance of Banks he may be sincere; but the recent destruction of these institutions in the District of Columbia, shews very conclusively the wish and intention of his party. The collection of gold and silver in the dues of the United States may have some influence on the banks in the large cities, where large disbursements are made; and where the balance of trade concentrates, they will no doubt be least injured and enabled to exist; and on New York he must have had his attention fixed, when he made this assertion as to the probable existence of Banks; but to remote places, agricultural and interior States, what other than a deleterious influence can it have, whence the specie must be drained constantly in payment of the dues to the United States, without any probability of an invigorating reflux.

It is due to the State, and necessary to a restoration of our happy, prosperous, and honorable condition, as far as in our power, to mark with unqualified reprobation, this infringement on the rights and credit of the States—this war on the institutions and capital of the country. For when the accumulation of wealth is the result of industry, economy and skill, it is certainly honorable to the owner; and whether it consists in land, chattels or stock, is unquestionably entitled to the stern protection of the law; and the person, matters not what his standing or position in society, who indulges in the practice of misrepresenting and detracting from the value of either, deserves its severest lash. Let us put the seal of reprobation on the unfaithful officer who violates the constitution in letter or spirit. Let us inform the President that we consider the purposes of government to mean something more important; as the regulator of "trade and commerce with the States," than merely picking out the gold and silver from the currency, in the discharge of the public dues, to pay out to the officers. That the currency of the country, no matter of what it consists, must be the medium of exchange, and is as essential to "trade and commerce with the States," as the circulation of the blood is to the animal existence, and as necessary to a healthy state to be regulated by a central power, as the other is to flow from the heart. Gold and silver are tests of the value of the currency, be it what it may; and if so applied, are valuable; but their intrinsic value is of small consideration, compared to the advantages of bank

notes, checks and bills of exchange, as a medium of exchange: What power should apply this regulator? Certainly the United States, for none other can.

The object to be attained, is *a uniform currency throughout the Union, based on specie and on the credit of the States, or of the United States*. How can this be accomplished? is the rightful enquiry. I have no fear in the answer, that it can only be effected by an arrangement entered into *by law*, between the State and Federal Governments, for improving and using the local banks, *or by the establishment of a Bank of the United States*, with sufficient capital assigned to each State to supply the amount of notes for all useful and necessary purposes. *One kind of bank notes, with a specie basis and ample guarantees*, can alone meet the object, and accomplish the purpose desired. Where, as at present, a large variety of bank notes, issued from eight or nine hundred banks, are thrown into circulation, experience has proved that they cannot stand on equal footing—actual and fictitious circumstances will produce degrees of value totally destroying their worth as a national circulating medium.

I would prefer an arrangement by which the local banks would be remodelled to the establishment of a Bank of the United States, because the renewal of their charters could be made to happen successively, without producing the political convulsion which has twice attended the renewal of the charter of the National Bank; because, too, some of the present institutions could be adopted, and the redundant merged into them, or allowed to expire at the end of their charters.

A bank of the United States, of sufficient capital to supercede all the local banks, might be made an engine of oppression, and dangerous to our political institutions, which the local banks could not. The superceding the local banks by a national bank, must unquestionably produce a revolution in the monetary affairs of the country to an immense extent and unforeseen consequences.

Capitalists in all countries, and more particular in ours, are the pioneers of their own fortunes, and look with an eyesingle to their interests on the selection of the managers of institutions in which they invest their funds. Nor are they usually combined with the politician, for their notions are antagonistical. The study and success of the one destroys that of the other. Stockholders are the managers of the local Banks. The funds of these banks, divided over as

great an extent of country as ours, and under management of their own officers, presented an insuperable difficulty to the formation of political cabals or any other, for the injury of the great interest of the country, with whose welfare they are so intimately connected and identified. A national bank might fall into the hands of a clique, who, conscious of their power, might be tempted to interfere in federal policy to the great injury of its pecuniary affairs, and inflict a stab on the liberties of the country.

The banks in the North are much more numerous than in any other section, being established in most parts where money could be usefully employed, and in such sums as were demanded by the capacities of the country; and they have been ably and successfully managed; pushing and developing the natural capacities of the country to a great state of perfection, stand high in their own sections where best known; yet we seldom ever see one of their notes in circulation in our State, and a greater part of them never pass out of their immediate neighborhoods. The banks of the Southern and Western States, have partaken more of, and, no doubt, have been influenced by the character of the country. Many have been established on false principles and been badly managed, and the result could not be otherwise than disastrous to the stockholders, who had *actual* capital invested; but that appears not to have been the case to any very great extent. I have no doubt that those which have capital, and will take warning from experience, will yet do a valuable business.

The recuperative powers of these sections of the country are immense, and afford great room for the employment of capital. Even under their recent management, I do not know that we have more cause to lament than to rejoice, except as to the injury our national character and credit have sustained; as it has resulted in many great and solid improvements, equal, and perhaps superior, to any thing of which we can boast.

That banks are susceptible of improvement both in form and management cannot be doubted now, when such vast and astonishing improvements have taken place in Agriculture, Manufactures, sail and steam Ships, Rail Roads and other inventions.

The operations of the Federal Government continuing to affect Banks, ours as well as many others, were a second time compelled to suspend specie payments, or

force the collection of their debts to the injury and ruin of many of their dealers. The wisdom of their choice I am not disposed to question. Most persons seemed to acquiesce in its correctness. The few who did not, complained to cover their demands for the double interest, the penalty imposed on our banks for refusing specie when demanded.

For political effect, they have been subjected to the constant fulmination of spleen and vituperation by certain partizan presses and orators, who hope to bolster up their falling fortunes by exciting popular prejudice, and diverting attention from their own misdeeds in the popular clamor. And the usefulness of these institutions have no doubt been considerably curtailed by these attacks.— Surely they calculated greatly on the ignorance of the people, when they expected to acquire either reputation or strength by such a course. Of what I ask, consists the banks of this State? The State has put into the stock about one million fifty thousand dollars, and individuals, about two millions two hundred thousand dollars. This constitutes the banking capital of North Carolina, and for every dollar actually paid in, two may be issued when prudent to do so, by the banks in their notes. At this time their issues amount to about one half of their capitals. The interest they receive on loans is limited to six per cent. per annum. Should they refuse to pay specie when demanded, the holder of their notes is entitled to twelve per cent. interest. Every six months they are required to pay to the stockholders whatever profit may have been made; and if the individual stockholders derive any unusual advantages, it should be recollected that the State—the people, participate in about one third of the profit—that being the proportion of her stock—and also a tax on the individual stock.

This is pretty much the sum and substance of these much abused institutions, which, like every thing else under the management of human heads and hands, are capable of doing good or evil, according to the influences which are made to operate on them. In a country like ours, of moral honesty, the keen eye of interest will, in all probability, insure their able and correct management in the selection of Directors of good character, skill and integrity. There are persons whose opinions are entitled to the highest respect, who contend that we have a sufficiency of bank capital. This I consider

clearly erroneous. The present stockholders might fear further competition in the money market, if all the natural capacities of the State had been improved, or if improvements were worthless. But the reverse is the fact, and an immense amount is required for that purpose, independent of the deficiency for trade and commerce.—Our most convenient lands are cleared, worked, exhausted and deserted; our dwellings are mostly of a poor and temporary kind; our water power only occasionally occupied by small manufacturing establishments; our boundless mines and ores almost entirely neglected; and why are these things so? Because we have not in our State those facilities which banking capital abundantly affords elsewhere.

We need more, not only to develop the vast resources of our State, but to keep off the notes of other States, and supply our entire circulation. I have been well situated to learn these facts. Many applications have been made to this office to borrow the funds of the Literary and Internal Improvement Boards. Those who contend that we have capital enough, I am persuaded, must have confounded capital with Bank issues, and were induced to say so because the Banks had suspended specie payments. I have ever understood that the more capital, either Bank or individual, a country possessed—the stronger and richer it was considered. If our Banks had more capital, I am satisfied they could the sooner resume specie payments and discounts. Can there be a question of a large floating debt in the country, subjected to the shaving process? In the place of paying six per cent. per annum at the Banks, many debts are made at 10, 15 and 25 per cent. between individual debtors and creditors. To obviate such an usurious shaving process, more banking capital would be valuable to the State. Our merchants, unable to obtain discounts at home, to make their purchases in New York with cash, are compelled to submit to credit; and if not paid when due, have to pay seven per cent., making a loss to the State in the regulation of the balance of trade of one per cent.

A difficulty is apprehended in obtaining subscribers, which may be so. Capitalists have had such good reason to be alarmed for the safety of their funds, by the constant senseless attacks on these institutions, and the instability of our laws, that they will part with the management of their money, doubtless, with some apprehension

and reluctance. But I hope those acts of usurpation, violence and detraction, have passed never to return; and that confidence and liberality will again take their places, and that offering fair inducements, capital will be drawn to the State, and from its hiding places, again to afford the poor, but honest and enterprising man, the means to benefit himself and his country. Whatever might be the result to the owner of capital, whether in the hands of individuals or stored away in Banks, its presence could not possibly do the country any injury.

The four years I have been in office, the Banks, in dividends and taxes, have yielded to the State the sum of two hundred and fifty-three thousand two hundred and one dollars 87 cents; which has been paid into the Public Treasury, the most conclusive proof of their value to the State, and during which period the receipts from all other sources of taxation in the State, amounts to three hundred and four thousand three hundred and sixty-eight dollars sixty-nine cents; showing the advantages of a small active capital over heavy landed and personal property. That the stock in the present bank is good, requires no better demonstration than that it continues at or above par, while all other property has been greatly reduced. Borrowers generally, so far as I have been enabled to discover, prefer an accommodation from Banks to any other source; and note holders find abundant indemnity in the penalty of 12 per cent. if specie is refused. I can then discover no sensible reason to doubt their utility, or to circumscribe their operations.

This State participated less in speculations of the day than any other in the Union. We felt for a while the influence of the general prosperity of the country, from the institutions and means of other States, more than from our own. Bank capital has increased but little for many years; and except what funds were devoted to the construction of Rail Roads from the surplus, a small amount on loans and the credit of the State, the active capital has decreased by investments in the stocks of rail roads and manufacturing companies; but surely furnishing a basis abundantly justifying its restoration and increase commensurately with our wants. And until some general arrangement can be made to put the State Banks of the country on higher ground, and capable of more solid and useful purposes, or the establishment of a National Bank, I would respectfully recommend the increase of the capital of the Banks of the State and Cape Fear, one million of dollars

each; and that the State hand over to them equally, as her subscription of stock, all the Cherokee bonds, and the bonds and notes belonging to the Boards of the Literary Fund of North Carolina, and Internal Improvements, convertible as collected, with such other funds as can be spared from other purposes; provided the Banks will loan to the Wilmington and Raleigh, and Raleigh and Gaston Rail Road Companies, \$300,000 to \$400,000, on the bonds of said companies, guaranteed by the State, on the property of which companies the State being already secured by mortgage, at a rate of interest not exceeding six per cent. per annum, for the period of ten years, unless these companies are enabled sooner to pay the same.

The higher the grounds upon which the State can place these Banks, by protection and strict supervision, the more she will inspire public confidence, fill the subscription, and enable them the sooner to resume specie payments and extend their usefulness. For the recommendation of increasing the capital of our Banks, and requiring their aid to the Rail Roads, I would endeavor briefly to assign you my reasons.

And although I have the pleasure of congratulating you on the completion of two Rail Roads in our State, which, for cheapness, length and rapidity of construction, are comparable to any in the world; yet it is attended with the regret of having to inform you that their cost and extra expenses have exceeded their means. In short they are in debt, and turn to you for assistance; for there is no other source whence they can and should so rightfully seek it. No doubt they do so with reluctance; yet this but proves the urgency of their necessities.

Whatever reports may be made now by their officers, of the prospects of profits to the stockholders, the advantages to the State, to the farmer, the land holder near them, to the mechanics and laborers, and their great utility for the diffusion of knowledge, and for the concentration of troops in cases of emergency, cannot now be questioned. Their destinies seem now more or less identified with the character and prosperity of the State. Many patriotic persons have nobly put their shoulders to the wheels, invested their money in the stocks of these works, and will for some time receive less compensation than they might have done by other investments. If a few months operation of a Rail Road had given evidence of great profit and the Road needed immediate assistance, would it be the

policy of the State to withhold it? I should say not. Then how much more the necessity of exerting this policy in granting assistance to establish these Roads on such a footing that they may freely and fully test their utility.

The advantage from such improvements, to the State, are of higher and loftier importance than can possibly accrue to her from any pecuniary profits, which her investment could yield. She is above all risk. But the stockholders can derive or receive no other advantages but those arising from dividends, and while these are devoted to the payment of the debts, and yielding no remuneration, cannot reasonably be expected to enlarge their investments.

It is generally admitted, and, I believe, cannot be denied, that one half at least of the travel has been arrested by the disastrous times brought upon the country, as I have endeavored to show, by the acts of the Federal Government. We may now trust that more prosperous times will, ere long, be restored, and the travel resumed.

On the "let us alone" principle, the recuperative powers of this new country would soon restore prosperity.— But we may expect, in addition, the hearty co-operation of the fostering powers of the General Government, in bring about the highest state of national prosperity, rather assisting and relieving, than reviling and distressing all the institutions of the country. As the country becomes more thickly settled, travel must increase on the roads and enhance the income in proportion. In proof of this, I have seen no report of the operations of Rail Roads in this country or Europe, which does not show an increase of receipts; and their operations in our country will yield a greater increase, on account of our disposition for travel.

It would be idle, gentlemen, to talk to you relative to the many advantages resulting to the country from the establishment of Rail Roads. They have ceased to be experiments. Their facility in expedition afforded to travellers, in connection with steam boats and steam ships, will ensure their construction where the current of trade and travel require. They may be subject to mutations in profits, like all other property; but if correctly located, economically constructed, and well managed, they must be good property to the stockholders; and if not, their utility to the other interests of the country cannot be questioned.

The attack of the President of the United States on Rail Roads, is exceedingly strange and unjustifiable. In the

transportation of the mails, diffusion of knowledge and intercommunication, the easy and quick conveyance of armies to points where the country may be assailed, must be decidedly important and necessary to the government, and favorable to the liberty of the citizen.

Where, then, can be the sense or propriety of these attacks of spleen and enmity? I am satisfied your honorable body can entertain no such feelings; but that you will afford such relief and succor as is commensurate with the means and character of the State, and the wants and merits of the work.

It may be contended that our rail roads have been injudiciously located, too expensively constructed, and even badly managed. But we should bear in mind, that they are our first experiments, and made at a period when the country was in more prosperous circumstances, and every thing of higher value: That both mistakes and unnecessary expense are the usual results of new works; but it should also be held in remembrance that many *individuals* backed their favorable opinions of these enterprizes freely with their *own money*, and that they could not have practiced any intentional deception on the public, when it would fall so heavily on themselves.

Suppose we should admit the fact that our roads have not, so far, met public expectation, or even of the individual stockholders to the full extent; yet should we shut our eyes to the cause? Should we not remember that the general prostration of all other branches of business may have reached the works on the roads; that few extensive works immediately prove profitable; and that they have been only a few months in operation—certainly not long enough to test their worth to the stockholders? To all other interests, their utility can be of no doubt. We see every species of property greatly sunk in value; slaves, our most tangible and active property, depreciated at least 50 per cent.; land yet more; and lots in our most favorable places, scarcely selling for the cost of improvements; very few farms yield legal interest, and, in the aggregate, probably not 2 per cent. on their value; yet who so bold as to say that we should abandon the farm or neglect to build houses and improve town lots?

What, it may be asked, is the cause of such a state of things? The President of the United States informed us, in his message at the extra session in 1837, that it was overtrading, sumptuous living, and the issue of too much

bank paper. But such reasons, however apt for other places, are totally inapplicable to North Carolina. There has been no overtrading here, no extravagant living, and *less bank issues than we had twenty years ago*; and although our bank capital was increased a small amount four years since, we have about the same now we had 10 years ago, exclusive of the capital of the branch bank of the United States, which was employed in this State; during which time our demand has certainly greatly increased. It is the want of bank or other active capital which has been the cause of sacrificing real estate and every other large amount of property, when forced into market for cash. More is actually required, not only to save property already existing from changing hands at great and ruinous sacrifices, but to assist the manufacturer, trader, mechanic and laborer, in the various branches of business, and the improvement of the natural advantages of the State.

Under a resolution of your honorable body, at its last session, I addressed a communication to the Governors of the several States, requesting information on the subject of Penitentiaries, Lunatic and Orphan Asylums, and Houses of Refuge; from whom several interesting replies have been received, but not sufficient to enable me to give you much light on those subjects. I hand you herewith marked B, the information obtained, and submit the following general remarks: That all seem to concur in their usefulness; that by the establishment of a Penitentiary, the punishment of crime may be more correctly graduated to its atrocity. Under our present code of criminal law, many punishments are fixed, and others left to the capricious estimate of the Judge; and to many cases, neither the one nor the other appears so fitted as to give satisfaction to public feeling. The result is, that in almost every case, a petition for pardon is preferred to the Executive, with whom it is idle to say that the petition of *many respectable persons* should have no weight. Although he may be satisfied that petitions are generally drawn by partial or prejudiced hands, in the absence of all information which no law provides for his guide, he is not enabled to act satisfactorily to himself or justly to the State or petitioner; but where a doubt is raised, he feels impelled to act on the side of mercy.

In the establishment of penitentiaries and laws for their government, punishments could be better graduated to

the crime, and leave less room for complaint and petition. As they are generally used in all christian countries, to avoid shedding human blood and the exposure of punishments, in obedience to the more advanced state of civilization and refinement, profit and loss should not be a matter of consideration in providing the means of saving human life, and obtaining a mode of punishment adapted to the crime. Regarding them, however, in an economical point of view, it would probably be less burthensome to the country than the present mode of confinement in the jails of the counties.

As regards Lunatic and Orphan Asylums, I presume there can be but one opinion.

The returns of the Clerks and Sheriffs of thirty-six counties shew the number of Lunatics to be two hundred and forty-nine of poor, wretched creatures, most of whom call strongly on our charity and philanthropy for shelter, food and nursing; and no doubt if the number and condition of the orphans could be ascertained, the appeal to our sympathies would be equally strong.

The State is abundantly able to construct the necessary buildings, and it only requires the action of your body to establish the principle and place, upon which they shall be erected; the appointment of a competent superintendent to visit the various establishments of the kind and collect the necessary information, both of Penitentiaries and Lunatic and Orphan Asylums, and to commence the work as soon as the plan should be approved by the Governor or board of Commissioners raised for that purpose and an appropriation to meet the expenditures, placed subject to the Governor's warrant. In the mean while, the necessary code of laws might be prepared under a commission granted by your honorable body for that purpose.

Most of the counties have adopted the common school system, and a few have received the State's quota of money to aid them in this most estimable object. The want of school masters is the only complaint which has reached me, and will, in all probability, be the most formidable obstacle to further success. By applying the proper corrective, that and all other difficulties, I hope, may be overcome. The several counties which refused the adoption of the system, no doubt acted on mistaken views, or wrong information; and their participation should, in justice, be provided for by law.

It is with the most unfeigned gratification that I congratulate the General Assembly on this work of their own, which

has placed in reach of poor parents the opportunity of obtaining for their children what will so eminently improve their moral and mental condition, to make them better and more valuable citizens, and inspire them with grateful feelings to their country, which will never be forgotten in the hour of danger.

It is with great pleasure I have to inform you that, in obedience to the direction of the last session of your honorable body, a survey of Nag's Head has been procured. Under their resolution, directing a report to be made by some able and experienced engineer, the Board of Internal Improvement appointed Major Walter Gwynn, who commenced operations in May last, and reported to the Board in June. This able and lucid report amply sustains the propriety and importance of your inviting the attention of Congress to the opening an inlet at that point as a national work of the highest importance. The resolutions claiming the attention of our Representatives and Senators in Congress, were forwarded to them. The Representative from the first district, in which Nag's Head is situated, gave the subject his prompt and unremitting attention. A copy of the report and map of the survey were also forwarded to the representative from that district; but it reached him at too late a period of the session to be acted on.

Would it not be well again to urge this work on Congress? I am decidedly of the opinion that the enterprise is among the most important of any in the U. States—in a national point of view, in the saving of lives and vessels, and the increase of the revenue; and to the State, in enhancing immensely the value of the lands and their products, and securing a mart to a large section of country, which has now to seek one elsewhere at a greatly increased expense and hazard. No principle has been better established by practice, than the right and propriety of the Federal Government to execute works of national importance; and none, in my opinion, is more clearly so in the United States, than opening an inlet at Nag's Head. If we turn to the estimates of the War Department for improvements, we shall find many vastly inferior, under the patronage of the General Government. It is, then, due to the State, and particularly to that section, to urge the execution of this work on the Government.

The very able report, on this subject, by Major Gwynn, will be submitted by the Board of Internal Improvements; to which I beg to invite your especial attention.

The work for draining the swamp lands has progressed

considerably. The Pungo canal is finished, and the Alligator about half completed. The lateral ditches on Pungo Canal are now being cut, and some 15,000 acres nearly prepared for market. I see no reason to doubt the wisdom of this improvement. X

I am very clearly of the opinion that opening an inlet at Nag's Head—reclaiming the swamp lands—improving the Neuse river as far as practicable, and thence the construction of a rail road to Raleigh and turnpike to the mountains—and the construction of a rail road and turnpike, flanking South Carolina, from the head of tide water, on the Cape Fear, to the West—form the system of Improvements alike demanded by the character and interest of the State, to be accomplished whenever her means will permit.

The depressed state of the pecuniary affairs of the country at home, and its impaired credit abroad, would not justify undertaking, at present, improvements of very great extent and magnitude; but as far as the means which the State can command will go, there never was a more appropriate period. The disbursements in the construction would benefit every branch of business in its vicinity, by giving employment to laborers, mechanics, and a market to the farmer; and the work could be executed more readily, and at less cost, than in more prosperous times. In what could the surplus money and credit of the State be better employed, than by relieving the distresses of her people, and the improvement of her natural advantages? X

As an improvement particularly called for by the wants of the State, entirely within her means, and important as the connecting links between her existing rail roads, the seaboard and the interior, I would call your attention to the improvement of the Neuse River from Newbern as far up as practicable and useful; thence by rail road from the Wilmington and Raleigh Rail Road to this place, for which the country and material are best adapted; and thence to the mountains by turnpike, as best suited to the use and material of construction of the country. This chain of improved communication and intercourse, is due to the State, and especially to the northern tier of counties, the trade of which has been diverted from our own markets to one in a neighbouring State. This improvement would place at the pleasure of the farmer one or many markets, in or out of the State, with equal facility, and regain their lost relative position; and as it may be presumed that most would prefer those in the State, it would secure the profits which might otherwise ac-

crue to our neighboring States, and assist in obtaining the balance of trade in our favor. At least, a fair competition would be afforded. The advantages to be derived in the purchase of West India produce in Wilmington and Newbern, and their better facility for shipping, will more than equal any advantages their competitors abroad can offer.

It is probable the stock would be readily taken by individuals, if companies should be incorporated for that purpose, for the two-fifths or one half of the amount, with proper privileges of payment.

The rail roads in our State have not had, as yet, sufficient opportunity to test the value of such stock; and as for investments in turnpikes, we have but few data on which to base an estimate. The Buncombe road yields a handsome profit; and it appears to me that a turnpike from this place to the west would be still more profitable, if the value of the stock were the only object of the State in constructing it.

The Board of Internal Improvements, agreeably to law, caused books to be opened, under the superintendence of active agents, to obtain the pre-requisite subscriptions before the Fayetteville and Western Rail Road Company could receive the State's subscription and organize; and, I regret to inform you, without success. This appeared to be the favorite scheme of the State; and I was anxious to see it executed. To the poverty of the country through which the greater part of the road would pass, and the depression of the monetary affairs of the country, may this failure be attributed.

Soon after the adjournment of the last session of your honorable body, Daniel W. Courts, Esq., resigned his appointment as Public Treasurer of the State; the vacancy occasioned by which was temporarily filled by the appointment, under the advice of the Council, of Charles L. Hinton, Esq., who has since sedulously discharged the duties of the office.

In the course of the present year, the Hon. R. M. Saunders and the Hon. John D. Toomer, Judges of our Superior Courts of Law and Equity, have resigned. The vacancies thereby occasioned, have been supplied, under advice of Council of State, by the appointment of Edward Hall, of Warrenton, and William H. Battle, of this City, whose commissions will expire at the close of your present session; and they both entered immediately on the duties of their respective stations.

It is with great diffidence I venture on any observations relating to our Court system; but I should not believe my duty discharged, if I remained silent. The resignations of

Messrs. Saunders and Toomer have brought to my knowledge the feelings and wants of the State in the appointment of these highly valuable and indispensable officers. The east, west, north and south claim the right and propriety of being supplied; and I have no doubt these considerations will be felt in the election of these officers in your body. If the range of the State were necessary to supply the higher order of talents, no change ought to be made; or, if the yielding to sectional considerations could meet the wants and wishes of the people, we might be content with the present arrangement; but I am persuaded neither the one nor the other is effected. In every district, many men may be found abundantly qualified to discharge the duties of Judge. When the claims of any section has heretofore been gratified, it has proved only for a short space of time—the incumbent generally changing his location for convenience or health, and again the district is left destitute of one of those valuable officers. To remedy this defect, and quiet the conflicting interest of the different sections of our State, I would very respectfully recommend the location of the Judges in each district respectively. The law must, of course, be prospective; and the present opportunity can furnish two vacant districts. It appears to be due to the Bar, to the wants and convenience of the people, and to the Judges themselves, to make this alteration. The ridings might alternate as now, or the Judge be confined to the duties of his own district. The latter appears to me best. A person from the mountains cannot ride in one of the sea board districts in the fall with impunity. His risk of sickness and death is certainly alarming; and the result has been that the business of those districts is hurried over in a state of mind which must detract greatly from comfort and a satisfactory discharge of duty. The services of a most valuable officer has just been lost to the State by the fear of riding the first district this fall.

Allow me, gentlemen, to call your attention to the acts of 1836-'37, creating the Boards of Internal Improvements, and of the Literary Fund of North Carolina. Of both these Boards the Governor is a member, and *ex officio* President. Large sums of money are at their disposal, which they were required to invest in Bank stock and lend to individuals and corporations. These funds are daily increasing by appropriations, interest from loans, and Bank dividends. These laws are clearly defective, and should be altered. If it were intended to establish a loan office, the necessary provisions should be made, and competent officers appointed with ade-

quate salaries. But it certainly never could be intended to convert the Executive into a loan office, occupying more of the attention and responsibility of the Governor than all his other duties combined, and diverting him from the higher and more enlarged trusts committed to his care.

It is considered radically wrong in the State to adopt any law by which individuals become debtors to it.—Whatever spare funds the State may have, should be invested in stocks or devoted to the improvement of the people and country. If no other alteration is made, it would be a matter of great relief to the Governor for a union of those boards. Such an alteration would curtail one half of his services, reduce the number of the members, and save expense to the State. Loans should be forbidden, and authority extended to investments in the stocks of rail roads and manufacturing companies, by purchase or by subscription, as the board may deem best for the interest of the State; and all sales, in future, of property belonging to the State, to be made for cash only. Should the contrary course be pursued, more money will be lost than credit sales would seem to promise, and your tables filled with petitions for indulgence which would be exceedingly painful to refuse.

The standard weights, agreeably to an act of your last session, have been contracted for; and they are nearly completed, and being delivered to the several counties. No standard for measures has yet been received from the Federal Government.

The proceedings of Georgia, South Carolina and Virginia, herewith submitted in file C, to your consideration, at the request of their respective Governors, relative to the demands of Georgia and Virginia, on the States of Maine and New York for the apprehension and delivery of fugitives from justice, and their refusal, present matter to the Southern States, of the most delicate and important nature. It is believed, under an influence of the most pernicious kind, that these States have acted in bad faith to the compact which secures the right of demand and surrender of fugitives from one State to another. The causes assigned are considered unsatisfactory.

In connection with this subject, the formation of a military company of negroes, most, if not all, supposed to be fugitive slaves, clothed in the British uniform, stationed on the Canada frontier, and permitted to insult and threaten the lives of Southern travellers, and the constant practice of our slaves deserting to, and finding protection with, the North-

ern and Eastern States, increase greatly the necessity of action on these subjects; in which all the Southern and Western States, to which such acts are injurious and offensive, should act together coolly and deliberately, but firmly, in the protection and maintenance of their rights.

Since the distribution of the arms, under the act of 1836-37, to the several counties which were then in the arsenals at Fayetteville and this place, the quotas to which this State are entitled from the General Government have been received at Newbern and Fayetteville, except several pieces of ordnance, the carriages and appendages of which were burnt in the recent fire at Wilmington, while waiting reshipment to Fayetteville. The law provides for arsenals at Fayetteville and this place, but none at Newbern, a point equally important and necessary for a depot and keeper.—The cannon burnt at Wilmington and other arms, occasionally require repair for their preservation and usefulness; but there is no law for such purpose. The executive is empowered to employ a guard at the arsenals whenever he should deem it necessary. This might be better accomplished by allowing Uniform Companies some exemptions and privileges from taxes, &c. who would undertake the duty in such way as the Governor should prescribe. It would accomplish the double purpose of having those companies under better discipline, and the arms under better protection, which are matters of no small moment. Indeed, if the law was to extend to the uniform volunteer companies throughout the State, privileges and immunities of even trifling importance, it would secure improved discipline in the militia, now too much neglected. Whenever the common school system gets into operation, it would be good policy to make military discipline form a part of their exercises; as we are all admonished, from many circumstances, not to forget the necessity of preparing in peace for any emergency; and as a system, it is best to commence with the youths of the State.

The Revised Statutes have been distributed agreeably to law, and the remaining volumes placed with Messrs. Turner & Hughes, of this place, and E. J. Hale, Esq. of Fayetteville, Booksellers, for sale on account of the State.

I have the honor of submitting herewith, marked D, "the remonstrance of the citizens of the District of Columbia by their delegates in convention to the people of the United States, and to the Legislatures of the several States, against oppressions manifold and grievous, suffered from the misrule of the now ruling majority in Congress." In file E, the pro-

ceedings of the several States of Kentucky, New York, Maine, New Jersey, Vermont and Connecticut, relative to the public domain. In file F, from the States of Maine, Indiana and Ohio, on the subject of the disputed territory.

In file G, the resignations of Justices of the Peace will be found.

It affords me pleasure, gentlemen, to congratulate you on the completion of the capitol, and the occupancy of more commodious and comfortable apartments for the transaction of business to all branches of the government. It is a noble building and honorable to the State, and will descend to posterity as a proud monument of the spirit of the age. The completion of this structure, two Rail Roads, the establishment of Common Schools, and the reclamation of the Swamp Lands, will form a new and honorable era in the history of our State, to which her citizens may point with pleasure and pride.

I assure you, gentlemen, that it will give me unqualified pleasure to co-operate in any measure which may be deemed necessary for the happiness, welfare and security of our fellow citizens.

I have the honor to be

Your most obedient servant,

EDWARD B. DUDLEY.

Executive Office, Nov. 16, 1840.

THURSDAY, Nov. 19, 1840.

Isaac W. Lane, one of the members from the county of Sampson, appeared and exhibited his credentials, and was qualified according to law.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senase, proposing that the two Houses vote again immediately for one engrossing clerk, and informing that the name of Jas. Howze, is withdrawn from the nomination.

A message from the Senate, concurring in this proposition, informing that the name of Mr. Hearn is withdrawn from the nomination, and that Messrs. Montgomery and Hill are appointed superintendents of said election.

Ordered, That Messrs. I. W. Lane and Whitehurst superintend said election on the part of the Commons.

The House voted as follows:

FOR MR. ROSE,

MESSRS.

Speaker,	Ziglar,	Paine,
Allen,	Hill,	Patton,
Barringer,	Holt,	Pemberton,
Boyden,	Huggins,	Poindexter,
Brannock,	Hyman,	Proctor,
Bryan,	Jacobs,	Reid,
J. P. Caldwell,	Jefferson,	Robards,
J. W. Covington,	Joiner,	Siler,
J. M. Covington,	H. C. Jones,	Smith,
Doak,	Keener,	Spruill,
Farrow,	King,	J. W. Taylor,
Foreman,	E. P. Miller,	Thompson,
Franklin,	Mills,	Wadsworth,
Gee,	Morris,	Whitehurst,
R. B. Gilliam,	Murchison,	J. O'K. Williams.
J. R. Gilliam,	McClenahan,	F. Williams,
D. A. Graham,	McCollum,	Wilson,
Grandy,	McLaughlin,	Withers,
Gray,	McLaurin,	Young,
Guyther,	McMillan,	

FOR MR. DRAKE,

Messrs.

Baker,	Ennett,	J. T. Miller,
Banuerman,	Graves,	W. J. T. Miller,
J. Barnes,	Guthrie,	Monday,
E. Barnes,	Hawkins,	Morrow,
Beall,	Herring,	Munroe,
Biggs,	Holland,	McCleese,
Boyd,	J. B. Jones,	Neal,
Brogden,	C. Jones,	Powell,
Brower,	R. Jones,	Ragan,
Brummell,	Kerr,	Rand,
Burns,	Killian,	Russell,
G. W. Caldwell,	W. B. Lane,	Sullivan,

Cardwell,	I. W. Lane,	F. Taylor,
Chambers,	Lilly,	Tomlinson,
Clegg,	Mangum,	L. Walker,
Davis,	Massey,	J. Walker,
Dickson,	Mendenhall,	Winston.
Eaton,		

On motion of Mr. Siler,

Ordered, That a message be sent to the Senate proposing to raise a joint select committee on Cherokee lands, consisting of five members on the part of this House, and four on the part of the Senate.

Mr. E. P. Miller presented a petition from sundry citizens of the counties of Burke and Wilkes, praying the erection of a new county by the name of Caldwell out of a portion of the territory of said counties.

Ordered, on motion of Mr. E. P. Miller, that it be referred to the members of this House from the said counties of Burke and Wilkes.

On motion of Mr. Paine,

Ordered, That a message be sent to the Senate proposing to raise a joint select committee, consisting of two on the part of each House, to investigate the title of the State to the swamp lands, which are to be drained under the direction of the Literary board.

Mr. Guthrie presented a bill altering and prescribing the time at which certain elections shall hereafter be held in this State; which was read the first time and passed.

The speaker laid before the House a report of the Commissioners for rebuilding the Capitol; which was read, and on motion of Mr. Boyden,

Ordered, To be sent to the Senate with a proposition, on motion of Mr. Holland, to print it.

Mr. W. J. T. Miller presented a petition from sundry citizens of the counties of Rutherford and Lincoln, praying the erection of a new county out of a portion of the counties of Rutherford and Lincoln by the name of Cleaveland; which, on motion of Mr. Miller, was ordered to be sent to the Senate with a proposition to refer it to a joint select committee of five on the part of this House of the members from said counties, and on the part of the Senate to the two Senators representing the said counties of Rutherford and Lincoln.

Mr. W. B. Lane, from the committee appointed to superintend the election of one engrossing clerk, reported that John M. Rose had received a majority of the whole num-

ber of votes, and that he was duly elected. The report was concurred in.

Mr. Spruill introduced a resolution in favor of the executors of Beverly Daniel; which was read the first time and passed, and referred on Mr. Spruill's motion to the committee on claims.

A message from the Senate informing that Messrs. Moore, Ward and Puryear, form the Senate's branch of the joint select committee on the joint rules of order.

A message from the Senate concurring in the proposition of this House to raise a joint select committee of three on the part of each House, to examine and assign the apartments of the capitol and to ascertain whether any other order in relation to the capitol be necessary; and informing that Messrs. Spruill, Arrington and Hellen form said committee on their part.

Ordered, That Messrs. H. C. Jones, J. O'K. Williams and Graves, compose said committee on the part of the Commons.

Mr. Adams, from the committee appointed to prepare and report rules of order for conducting business in the House of Commons, reported without amendment, the rules of order adopted at the last session.

Mr. Winston moved to amend the 53rd rule so as to read, when a bill has been once rejected, no other of the same purport shall be introduced again during the session. The motion prevailed, and with their amendment the report was concurred in.

In pursuance of the 39th rule of order, the House proceeded to the appointment of the following six Standing Committees:

COMMITTEE ON CLAIMS,

Messrs.

Wilson,	Killian,	Hawkins,
McCleese,	Poindexter,	Massey,
Dickson,	Biggs,	McClennahan,
Lilly,	Brogden,	Keener.
J. M. Covington,		

COMMITTEE ON PROPOSITIONS AND GRIEVANCES,

Messrs.

Grandy,	Holland,	Patterson,
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Allen,
J. T. Miller,
Reid,
Graves,

J. P. Caldwell,
Moore,
Hyman,

R. Jones,
Brummell,
W. J. T. Miller.

COMMITTEE ON AGRICULTURE,

Messrs.

J. B. Jones,
Baker,
I. W. Lane,
Murchison,
Doak,

Morrow,
McMillan,
Jacobs,
Davis,

Howerton,
Rand,
Clegg,
Carson.

COMMITTEE ON EDUCATION,

Messrs.

Smith, *Hickford*
Joiner, *Pitt*
Bannerman, *Read*
McLaurin, *Read*
Mendenhall, *Read*

J. Walker, *Middlebury*
Boyden,
J. R. Gilliam, *Ant*
Wadsworth, *Ant*

Eaton, *Ant*
C. Jones,
Beall,
E. P. Miller. *Burke*

COMMITTEE ON INTERNAL IMPROVEMENTS,

Messrs.

Paine,
J. O'K. Williams.
Hill,
Winston,
Withers,

Barringer,
Bryan,
Thompson,
Whitehurst,

Robards,
Holt,
H. C. Jones,
Mills.

COMMITTEE ON PRIVILEGES & ELECTIONS,

Messrs.

Proctor,
Foreman,
Sullivan,
J. W. Covington,
Cardwell,

G. W. Caldwell,
Young,
Spruill,
Huggins,

Russell,
King,
W. B. Lane,
Patton.

The House then adjourned until to-morrow, 10 o'clock.

FRIDAY, Nov. 20, 1840.

Whitmel Stallings, the member representing the county of Gates, appeared and was qualified according to law.

Mr. Reid presented the petition of sundry citizens of the counties of Cumberland, Moore, Chatham, Wake, praying the erection of a new county out of a portion of the territory of said counties; which, on Mr. Reid's motion, was referred to the Committee on Propositions and Grievances.

Mr. Lilly presented a petition from sundry citizens of the county of Montgomery, together with a bill to carry the prayer thereof into effect, entitled a bill to lay off and establish a county by the name of Stanly. The said bill was read the first time and passed.

Mr. Boyden introduced a bill to prevent litigation; which was read the first time and passed.

Mr. Barringer, from the Joint Select Committee on Joint Rules of Order, reported without amendment the permanent joint rules heretofore in force. The report was concurred in; and, on motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing to print said rules in pamphlet form, in connexion with the rules of order of the Senate, and the rules of the House of Commons, the constitution of this State and of the United States.

Mr. Hill introduced a bill concerning pilots and commissioners of navigation for Cape Fear River; which was read the first time and passed.

Mr. J. B. Caldwell introduced a petition from sundry citizens of the county of Iredell, praying amendments of the law establishing Common Schools. Said petition was, on motion of Mr. Caldwell, referred to the Committee on Education.

Mr. Siler presented petitions of John B. Edwards and James McMann, in relation to their purchases of Cherokee lands. These petitions were referred, on motion of Mr. Siler, to the Committee on Propositions and Grievances.

Mr. Wadsworth presented certificates from the County Court of Craven, allowing a pension for 1840, to John Rhem, of one hundred dollars; to Alex. Taylor, fifty dollars; to Thomas Ewell, fifty dollars; and to Margaret Bexley, widow of Christopher Bexley, fifty dollars.

These certificates were read, and on motion of Mr. Wadsworth,

Ordered, That they be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing to go into an election immediately for a Secretary of State, and informing that the present incumbent, William Hill, is in nomination for the office.

On motion of Mr. Mills,

Resolved, That the Committee on Internal Improvements be instructed to inquire into the expediency of laying off and constructing a public road from Raleigh, through the south western part of North Carolina, to Asheville, in Buncombe county; and that they report by bill or otherwise.

Mr. McLaurin presented a resolution in favor of Samuel Terry, sheriff of Richmond county; which was read the first time and passed.

Mr. Hill introduced the following resolution:

Resolved, That the Clerks be instructed to furnish each of the Standing Committees of this House with a copy of the Revised Statutes of the State and another of the acts of the last session of the Legislature; and that the chairman of the several committees deposit said books, at the close of the session, with William Hill, the Public Librarian.

And Mr. H. C. Jones introduced the following resolution:

Resolved, That the Door Keepers of this House be directed to procure temporary window curtains for this chamber.

These resolutions were read the first, second and third times, passed and ordered to be engrossed.

In pursuance of the rules of order, the Speaker announced the appointment of the following Committees:

COMMITTEE ON THE JUDICIARY,

Messrs.

Winston,
Barringer,
Hoke,

Mendenhall,
R. B. Gilliam,
Boyden,

Eaton,
G. W. Caldwell,
H. C. Jones,

COMMITTEE ON FINANCE,

MESSRS.

J. P. Caldwell,	Foreman,	Graves,
Biggs,	Reid,	J. O'K. Williams,
Burns,	Thompson,	

COMMITTEE ON PRIVATE BILLS,

Messrs.

Mills,	Brummell,	Adams,
E. P. Miller,	Bannerman,	Wadsworth,
McLaughlin,	McLaurin,	Stallings,
J. Walker.	Baker,	Proctor,
Guthrie,	Spruill,	

COMMITTEE ON THE LIBRARY,

Messrs.

Paine,	C. Jones,	J. R. Gilliam.
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A message from the Senate, concurring in the proposition of this House to vote immediately for a Secretary of State, and informing that Messrs. Melchor and Pasteur form their committee of superintendence.

Ordered, That Messrs. Young and Thompson form said committee on the part of this House.

The House thereupon proceeded to vote; and Mr. Young reported that Mr. William Hill had received the whole number of votes given in both branches of the Legislature, and was duly elected. The report was concurred in.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of five on the part of the House of Commons, and four on the part of the Senate, on the subject of the Cherokee Lands, and informing that Messrs. Clingman, Ward, Gaither, and Wilson form their branch of said committee.

Ordered, That Messrs. Siler, Cardwell, Boyden, Grandy and Patton form said committee on the part of the Commons.

A message from the Senate, proposing that the two Houses on Monday next, at 11 o'clock, go into an election of a Solicitor for the sixth Judicial Circuit. The proposition was agreed to, and the Senate informed that Messrs. J. R. Dodge, Bartlett Shipp and Hamilton C. Jones are nominated for the appointment.

The bill altering and prescribing the times at which certain elections shall hereafter be held in this State, was read, and on motion of Mr. Boyden, laid on the table.

The House then adjourned until to-morrow, 10 o'clock.

SATURDAY, NOV. 21, 1840.

Bat. F. Moore, one of the members elect from the county of Halifax, appeared, produced his credentials, and was qualified according to law.

Mr. Reid introduced a bill to incorporate the Little River Manufacturing Company, of Cumberland county; which was read the first time and passed, and referred, on Mr. Reid's motion, to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House, that the message of his Excellency the Governor be printed, five copies for each member of the Legislature.

A message from the Senate, proposing to raise a joint select committee on Public Buildings, and rebuilding the Capitol; and that the committee report whether the amount of money already appropriated for rebuilding the Capitol has been judiciously expended, and what amount will be necessary for its completion—and that they report by bill or otherwise. The proposition was concurred in, and Messrs. Rand, Poindexter, Smith, Hoke and Guyther appointed said committee on behalf of the Commons.

A message from the Senate, concurring in the proposition of this House, to refer the petitions relating to the establishment of a new county out of portions of the counties of Rutherford and Lincoln, to a joint select committee. Said committee consists, on the part of the Senate, of Messrs. Bynum and Ward, and on the part of the Commons, of Messrs. W. J. T. Miller, Hoke, Mills, Killian and Jefferson.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of two on the part of each House, to investigate the title of the State to the Swamp Lands which are to be drained, and informing that Messrs. Hellen and Bynum form their branch of said committee.

Ordered, That Messrs. Paine and B. F. Moore form said committee on the part of this House.

A message from the Senate, informing that Messrs. Spruill, Wilson, Melvin, Moye, Albright, Hargrave, McDiarmid and Ward form their branch of the Committee on Finance; and that Messrs. Mitchell, Edwards and Gaither form their branch of the Joint Select Committee on the Library.

A message from the Senate, concurring in the proposition of this House to print in pamphlet form the joint rules in connexion with the rules of the Senate; the rules of the House of Commons; the constitution of the United States; and the constitution of this State.

Mr. Siler introduced a bill authorising the Governor to appoint an agent in the county of Macon or Cherokee; which was read the first time and passed, and on motion of Mr. Siler, referred to the Joint Select Committee on Cherokee Lands.

Mr. H. C. Jones, from the committee raised on that subject, reported resolutions assigning the rooms in the capitol; which were read the first time and passed.

On motion of Mr. Reid,

Resolved, That the Committee on Propositions and Grievances be instructed to inquire into the expediency of restoring to the several County Courts jurisdiction of pleas where the same has been heretofore abolished.

Mr. Graves presented a petition from Phillip Hodnet, entry taker of Caswell county, praying the remission of a forfeiture.

Ordered, on motion of Mr. Graves, that it be referred to the Committee on Propositions and Grievances.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of providing that real estate be made assets in the hands of administrators and executors, for the payment of debts; and that all debts against the estates of deceased persons be made of equal dignity; and in case of a deficiency of assets, paid pro rata.

Mr. Guthrie introduced a resolution in favor of the sheriffs of the counties of Columbus, Chatham, Duplin,

Macon, Nash and Washington; which was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee on Propositions and Grievances.

The bill to prevent litigation was, on motion of Mr. Boyden, referred to the Committee on the Judiciary.

The resolution in favor of Samuel Terry, the sheriff of Richmond county, was, on motion of Mr. McLaurin, referred to the Committee on Claims.

The bill concerning pilots and commissioners of navigation for Cape Fear River, was read, and on Mr. Hill's motion, laid on the table.

The bill to lay off and establish a county by the name of Stanly, was read, and on motion of Mr. Lilly, laid on the table.

The House then adjourned until Monday morning ten o'clock.

MONDAY, Nov. 23, 1840.

Mr. Winston presented a bill to lay off and establish a county by the name of Union, together with a petition from sundry citizens of the counties of Anson and Mecklenburg upon that subject. The said bill was read the first time and passed.

On motion of J. P. Caldwell,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee on Military Affairs, to consist of five members on the part of each House.

On motion of Mr. Boyden, the following resolutions were read and ordered to lie on the table.

Resolved, As the opinion of this House, that, in the payment of debts of deceased persons, all claims, except funeral charges and debts due the State and the United States, ought to be regarded as of equal dignity, and in case of a deficiency of assets, to receive a pro rata payment.

Resolved further, That the Committee on the Judiciary be instructed to bring in a bill embodying the principles of the foregoing resolution:

On motion of Mr. Paine,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to inquire into the expediency of abolishing imprisonment for debt; and that they report by bill or otherwise.

On motion of Mr. Adams,

Resolved, That a message be sent to the Senate, proposing to appoint a joint select committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor, at the late August election.

Mr. Siler introduced a bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838 and 1839.

And Mr. Mendenhall introduced a bill, giving longer time to register grants of land in this State, deeds of conveyance, powers of Attorneys, &c. These bills were read the first time and passed.

Mr. Neal presented a petition from sundry citizens of the counties of Burke and Ruthertord, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of McDowell. Said bill was read the first time and passed, and on motion of Mr. Neal, referred to the committee on propositions and grievances.

A message was received from the Senate, informing that Messrs. Ward and Melchor, form the committee on the part of the Senate to superintend the election to be had this day at 11 o'clock, for Solicitor of the sixth Judicial Circuit.

Ordered, That Messrs. Burns and Franklin, form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MR. DODGE,

Messrs.

Barringer,
Biggs,
Boyd,
Boyden,

Hawkins,
Hill,
Howerton,
Jacobs,

Poindexter,
Pope,
Robards,
Smith,

Chambers,
J. M. Covington,
Dickson,
Franklin,
Gee,
D. A. Graham,
Graves,
Gray,
Guyther,

Jefferson,
R. Jones,
I. W. Lane,
W. J. T. Miller,
Morris,
McCleese,
McCollum,
Patton,
Patterson,

Spruill,
L. Walker,
J. O'K. Williams,
F. Williams,
Wilson,
Winston,
Ziglar.
Speaker—37.

FOR MR. SHIP,

Messrs.

Baker,
Bannerman,
Bryan,
J. P. Caldwell,
Cardwell,
Carson,
Davis,
Eaton,

Herring,
Hoke,
Holland,
Kerr,
Killian,
E. P. Miller,
Mills,
Morrow,

McLaughlin,
McMillan,
Powell,
Ragan,
Rand,
Sullivan,
Young—23.

FOR MR. H. C. JONES,

Messrs.

Adams,
Allen,
J. Barnes,
E. Barnes,
Beall,
Brannock,
Brogden,
Brower,
Brummell,
Burns,
Clegg,
J. W. Covington,
Doak,
Ennett,
Farrow,
Foreman,
R. B. Gilliam,

J. R. Gilliam,
Grandy,
Guthrie,
Holt,
Hyman,
Huggins,
Joiner,
J. B. Jones,
C. Jones,
King,
W. B. Lane,
Lilly,
Mangum,
Massey,
Mendenhall,
J. T. Miller,
Monday,

Munroe,
Murchison,
McLaurin,
Neal,
Paine,
Pemberton,
Proctor,
Reid,
Russell,
Siler,
Stallings,
J. W. Taylor,
Tompson,
Wadsworth,
Whitehurst,
Withers—50.

FOR MR. HOKE,

Messrs.

F. Taylor,
J. Walker—2.

FOR G. W. CALDWELL,

Mr. Keener.

FOR DAVID REID,

Mr. G. W. Caldwell,

Mr. Hill presented the following resolutions, which were read and adopted:

Resolved, That so much of the Governor's message as relates to the subject of banks and the increase of banking capital in this State, be referred to the Committee on Finance. X

Resolved, That so much thereof as relates to the subject of Common Schools, be referred to the Committee on Education. X

Resolved, That so much thereof as relates to the subjects of a Lunatic Asylum and Penitentiary, be referred to a joint select committee to consist of three on the part of each House, and that a message be sent to the Senate embracing such proposition.

Resolved, That so much thereof as relates to the subject of Internal Improvements, be referred to the Committee on Internal Improvements.

And resolved, That so much thereof as relates to the subjects of the Board of Internal Improvements and the Literary Board, be referred to the Committee on Internal Improvements and the Committee on Education respectively. X

On motion of Mr. Boyden,

Resolved, That so much of the Governor's message as relates to the communication from the Governor of New Jersey, be referred to a Select Committee.

Said committee was appointed to consist of Messrs. Boyden, Hoke, Baker, Winston and Paine.

The resolutions assigning the rooms in the Capitol and for other purposes, were read, and, on motion of Mr. Winston, ordered to lie on the table.

A message from the Senate, proposing that the report of Major Guynn, Civil Engineer, and the survey of Nag's Head which accompany the message of his Excellency the Governor, be printed. The proposition was concurred in.

A message from the Senate, proposing that so much of

the message of his Excellency the Governor as relates to Arsenals, repair of Cannon, and Volunteer and Uniform Companies, be referred to the Committee on Military Affairs—and proposing that the Comptrollers Report for the fiscal year 1838, be printed. These propositions were concurred in.

A message from the Senate, proposing that so much of the Governor's message as relates to a Bank of the United States, and to an increase of our bank capital, be referred to a joint select committee consisting of three members on the part of the Senate, and four on the part of the House of Commons.

That so much of said message as relates to a Penitentiary, be referred to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons.

That so much of said message as relates to a Lunatic and Orphan's Asylum, be referred to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons.

That so much of said message as relates to a union of the Boards of Internal Improvement and the Literary Fund, be referred to a joint select committee of three on the part of the Senate, and four on the part of the House of Commons.

These propositions of the Senate were concurred in; and the following persons appointed to compose said committee on the part of this House:

ON BANKS,

Messrs.

Barringer,
Cardwell,

Eaton,

B. F. Moore.

PENITENTIARY,

Messrs.

Mendenhall,
Russell,

Brummell,

L. Walker.

LUNATIC ASYLUMS,

Messrs.

R. B. Gilliam,
Allen,

Beall,

Hyman.

INT. IMPROVEMENT & LIT'Y BOARD,

Messrs.

Hill,
Carson,

J. W. Caldwell, Robards.

On motion of Mr. Hill, the House re-considered the resolutions this day submitted by him in reference to the Governor's Message: and on his motion, the same were laid on the table.

The resignation of James Bond, as a Justice of the Peace of the county of New Hanover, received from the Senate, was read and accepted.

Mr. Burns, from the committee appointed to superintend the voting for a Solicitor for the sixth Judicial Circuit, reported that no one had received a majority of the whole number of votes, and that there was no election.—The report was concurred in.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that another vote be taken immediately for this officer.

A message from the Senate, concurring in this proposition, and informing that Messrs. Arrington and Ribelin form their branch of said committee.

Ordered, That Messrs. McLaughlin and Bryan form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MR. JONES,

Messrs.

Adams,	Grandy,	Neal,
Allen,	Guthrie,	Paine,
Baker,	Holt,	Pemberton,
J. Barnes,	Huggins,	Proctor,
E. Barnes,	Hyman,	Rand,
Beall,	Joiner,	Reid,
Brannock,	J. B. Jones,	Robards,
Brogden,	C. Jones,	Russell,
Brower,	R. Jones,	Siler,
Brummell,	King,	Stallings,
Burns,	Lilly,	J. W. Taylor,
Clegg,	Mangum,	Thompson,
J. W. Covington,	Massey,	Wadsworth.

Doak,	Mendenhall,	J. Walker,
Enneti,	J. T. Miller,	Whitehurst,
Farrow,	Monday,	J. O'K. Williams.
Foreman,	Munroe,	F. Williams,
R. B. Gilliam,	Murchison,	Withers,
D. A. Graham,	McLaurin,	Ziglar.

FOR MR. DODGE,

Messrs.

Barringer,	Herring,	McMillan,
Biggs,	Hill,	Patton,
Boyd,	Howerton,	Patterson,
Boyden,	Jacobs,	Poindexter,
Chambers,	Jefferson,	Pope,
J. M. Covington,	Kerr,	Smith,
Davis,	W. B. Lane,	Spruill,
Dickson,	I. W. Lane,	Sullivan,
Franklin,	W. J. T. Miller,	J. Walker,
Gee,	Mills,	Winston,
Graves,	Morris,	Wilson,
Gray,	McCleese,	Young,
Guyther,	McCollum,	Speaker.
Hawkins,		

FOR MR. SHIPP,

MESSRS.

Bryan,	Hoke,	E. P. Miller,
J. P. Caldwell,	Holland,	McLaughlin,
Carson,	Keener,	Powell,
Eaton,	Killian,	Ragan.
J. R. Gilliam,		

FOR MR. REID,

Mr. J. W. Caldwell.

FOR MR. G. W. CALDWELL,

Mr. Cardwell.

FOR MR. M. HOKE,

Mr. Morrow.

Mr. Bryan, from the committee appointed to superintend the voting, reported that no one had received a ma-

majority of the whole number of votes given. The report was concurred in.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer; and informing that the name of Mr. Shipp is withdrawn from the nomination.

A message from the Senate, concurring in this proposition, and informing that Messrs. Moore and Sloan form their branch of the committee to superintend said voting.

Ordered, That Messrs. Holt and Patton form our branch of said committee.

The vote of the House was as follows:

FOR H. C. JONES,

MESSRS.

Adams,	Guthrie,	McLaurin,
Allen,	Guyther,	Neal,
Baker,	Hoke,	Paine,
Bannerman,	Holt,	Pemberton,
J. Barnes,	Huggins,	Proctor,
E. Barnes,	Hyman,	Rand,
Beall,	Joiner,	Reid,
Brannock,	J. B. Jones,	Robards,
Brogden,	C. Jones,	Russell,
Brower,	R. Jones,	Siler,
Brummell,	Keener,	Stallings,
Bryan,	King,	J. W. Taylor,
Burns,	I. W. Lane,	F. Taylor,
Clegg,	Lilly,	Thompson,
J. W. Covington,	Mangum,	Wadsworth,
Doak,	Massey,	J. Walker,
Ennett,	Mendenhall,	Whitehurst,
Foreman,	J. T. Miller,	J. O'K. Williams,
R. B. Gilliam,	Monday,	F. Williams,
J. R. Gilliam,	Munroe,	Wilson,
D. A. Graham,	Murchison,	Withers.
Grandy,		

Those who voted for Mr. Dodge, were

Messrs.

Speaker,	Gray,	McCollum,
Barringer,	Hawkins,	McLaughlin,

Biggs,	Herring,	McMillan,
Boyd,	Hill,	Patton,
Boyden,	Howerton,	Patterson,
J. P. Caldwell,	Jacobs,	Poindexter,
Carson,	Jefferson,	Pope,
Chambers,	Kerr,	Powell,
J. M. Covington,	W. B. Lane,	Ragan,
Davis,	E. P. Miller,	Smith,
Dickson,	W. J. T. Miller,	Spruill,
Farrow,	Mills,	Sullivan,
Franklin,	Morris,	L. Walker,
Gee,	McCleese,	Winston,
Graves,		Young.

FOR MR. REID,

Mr. G. W. Caldwell.

FOR MR. G. W. CALDWELL,

Messrs.

Cardwell,
Holland,
Killian.

FOR MR. HOKE,

Messrs.

Eaton,
Morrow.

Mr. Holt, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes.

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for this officer.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Clingman and Exum form their branch of said committee.

Ordered, That Messrs. Lilly and Smith form said committee on the part of the Commons.

The House then voted as follows,

FOR MR. JONES,

Messrs.

Adams,

Guyther,

McLaurin,

Allen,	Herring,	Neal,
Baker,	Hoke,	Paine,
Bannerman,	Holland,	Pemberton,
J. Barnes,	Holt,	Proctor,
E. Barnes,	Huggins,	Ragan,
Beall,	Hyman,	Rand,
Brannock,	Joiner,	Reid,
Brogden,	J. B. Jones,	Robards,
Brower,	C. Jones,	Russell,
Brummell,	Keener,	Siler,
Bryan,	King,	Stallings,
Burns,	W. B. Lane,	J. W. Taylor,
Clegg,	I. W. Lane,	F. Taylor,
J. W. Covington,	Lilly,	Thompson,
Doak,	Mangum,	Wadsworth,
Ennett,	Massey,	Whitehurst,
Foreman,	Mendenhall,	J. O'K. Williams,
R. B. Gilliam,	J. T. Miller,	F. Williams,
J. R. Gilliam,	Monday,	Wilson,
D. A. Graham,	Monroe,	Withers,
Grandy,	Murchison,	Ziglar.
Guthrie,	McCollum,	

FOR MR. DODGE,

Messrs.

Speaker,	Gray,	McMillan,
Barringer	Hawkins,	Patton,
Biggs,	Hill,	Patterson,
Boyd,	Howerton,	Poindexter,
Boyden,	Jacobs,	Pope,
Chambers,	Jefferson,	Smith,
J. M. Covington,	R. Jones,	Spruill,
Davis,	E. P. Miller,	Sullivan,
Dickson,	W. J. T. Miller,	L. Walker,
Farrow,	Mills,	Winston,
Franklin,	Morris,	Young.
Gee,	McCleese,	
Graves,	McLaughlin,	

FOR MR. N. BOYDEN,

Mr. J. P. Caldwell.

FOR MR. REID,

Messrs.

G. W. Caldwell,	J. Walker.	Powell,
Kerr.		

FOR MR. G. W. CALDWELL,

Mr. Cardwell.

FOR MR. M. HOKE,

Messrs.

Eaton,

Morrow.

Mr. Spruill moved that the House adjourn till to-morrow morning ten o'clock.

The question thereon was decided in the negative—yeas 31, nays 77. The yeas and nays demanded by Mr. Holland.

Those who voted in the affirmative, were

Messrs.

Baker,
J. Barnes,
Biggs,
Boyden,
Brummell,
Carson,
Dickson,
Foreman,
Gee,
R. B. Gilliam,
J. R. Gilliam,

Guyther,
Hyman,
Joiner,
H. C. Jones,
Lilly,
E. P. Miller,
J. T. Miller,
McCollum,
McLaurin,
Poindexter,

Pope,
Proctor,
Rand,
Reid,
Robards,
Russell,
Siler,
Spruill,
Whitehurst,
Wilson.

Those who voted in the negative, were

Messrs.

Adams,
Allen,
Bannerman,
E. Barnes,
Barringer,
Beall,
Boyd,
Brannock,
Brogden,
Brower,
Bryan,
Burns,
J. P. Caldwell,
Cardwell,
Chambers,
Clegg,

Gray,
Guthrie,
Herring,
Hill,
Holland,
Holt,
Howerton,
Huggins,
Jacobs,
Jefferson,
J. B. Jones,
C. Jones,
R. Jones,
Keener,
Kerr,
Killian,

Munroe,
Murchison,
McLaughlin,
McMillan,
Neal,
Paine,
Patton,
Patterson,
Pemberton,
Powell,
Ragan,
Smith,
Stallings,
J. W. Taylor,
F. Taylor,
Thompson,

J. M. Covington,	King,	Wadsworth,
J. W. Covington,	I. W. Lane,	L. Walker,
Davis,	Mangum,	J. O'K. Williams,
Doak,	Massey,	J. Walker,
Eaton,	Mendenhall,	F. Williams,
Ennett,	W. J. T. Miller,	Winston,
Franklin,	Mills,	Withers,
D. A. Graham,	Monday,	Young,
Grandy,	Morris,	Ziglar.
Graves,	Morrow,	

Mr. Lilly, from the committee appointed on that subject, reported that H. C. Jones had received a majority of the whole number of votes and was duly elected Solicitor for the sixth Judicial Circuit.

Mr. Reid moved that the House adjourn until to-morrow morning ten o'clock. The question thereon was determined in the affirmative—yeas 52, nays 49. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

MESSRS.

Allen,	Guthrie,	McLaurin,
E. Barnes,	Hill,	McMillan,
Barringer,	Huggins,	Pemberton,
Beall,	Hyman,	Poindexter,
Biggs,	H. C. Jones,	Reid,
Brower,	C. Jones,	Siler,
Brummell,	Keener,	Smith,
Bryan,	Kerr,	Spruill,
Burns,	Killian,	Stallings,
Carson,	Lilly,	F. Taylor,
Clegg,	Mangum,	Wadsworth,
Dickson,	Massey,	Whitehurst,
Eaton,	Mendenhall,	J. O'K. Williams,
Foreman,	E. P. Miller,	F. Williams,
R. B. Gilliam,	Mills,	Winston,
J. R. Gilliam,	Monday,	Withers,
Grandy,	Murchison,	Young.
Graves,		

Those who voted in the negative, were

Messrs.

Adams,	Gee,	Morris,
Baker,	Graham,	Morrow,

Bannerman,	Gray,	Munroe,
J. Barnes,	Guyther,	Neal,
Boyd,	Herring,	Paine,
Boyden,	Holland,	Patton,
Brannock,	Holt,	Patterson,
Brogden,	Howerton,	Powell,
J. P. Caldwell,	Jacobs,	Ragan,
Cardwell,	Jefferson,	Rand,
Chambers,	Joiner,	Robards,
J. W. Covington,	J. B. Jones,	Russell,
J. M. Covington,	R. Jones,	J. W. Taylor,
Davis,	King,	L. Walker,
Doak,	J. T. Miller,	J. Walker,
Ennett,	W. J. T. Miller,	Ziglar.
Franklin,		

TUESDAY, NOV. 24, 1840.

On motion of Mr. J. P. Caldwell,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 11 o'clock to-morrow, go into an election of Solicitor for the 7th Judicial Circuit, and informing that the names of Burgess S. Gaither, Thomas W. Wilson and James W. Guinn are in nomination for the appointment.

On motion of Mr. Robards,

Ordered, That a message be sent to the Senate, proposing that the two Houses do go immediately into an election of a Senator in the Congress of the United States, for the term of six years, commencing on the 4th of March next—and informing that Willie P. Mangum, of Orange, is in nomination for the appointment.

X Mr. Poindexter, from the Committee on Claims, reported favourably on the resolution in favor of Samuel Terry, sheriff of Richmond county, when said resolution was read the second time and passed. Mr. Keener presented the petition of certain citizens of Waynesville, in the county of Haywood, praying an alteration in the limits of one of the school districts of said county. Said petition was, on motion of Mr. Keener, referred to the Committee on Education.

V

On motion of Mr. Baker,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of providing by law the manner in which persons convicted of an infamous crime shall be restored to the rights of citizenship.

On motion of Mr. Reid,

Resolved, That so much of the Governor's message as relates to the location of the Judges, be referred to the Committee on the Judiciary.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing upon whom notice may be served, by one who is in prison for a fine, and desirous of availing himself of the insolvent laws; further to inquire into the propriety of amending the oath of a debtor swearing to a schedule in cases where there has been a continuance of the suit upon an issue of fraud submitted to a Jury.

On motion of Mr. D. A. Graham,

Resolved, That the Committee on Internal Improvement, be instructed to inquire into the expediency of making an appropriation for the purpose of clearing Lumber River, from the State line up to the Turpike Bridge, in the county of Cumberland, and to report by bill or otherwise.

Mr. Poindexter presented a petition from sundry citizens of the county of Surry, praying that the River Ararat be opened for the passage of fish; which was read, and, on Mr. Poindexter's motion, referred to the Committee on Propositions and Grievances.

Mr. W. J. T. Miller, from the joint select committee raised on the subject, reported, without amendment, the bill to establish a county by the name of Cleaveland.—The said bill was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, to vote at 11 o'clock to-morrow for a Solicitor of the 7th Judicial Circuit, and informing that Messrs. Faison and Pollock form their branch of the committee to superintend the election; and informing further, that the name of John Gray Bynum is added to the nomination for Solicitor.

The bill giving longer time to register grants of land in this State, deeds of mesne conveyance, power of Attorney, &c., was read the second time, amended and passed.

The bill to amend an act, entitled an act to authorize A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the last session of 1838 and '39, was read, and on motion of Mr. Guthrie, referred to the Committee on Private Bills.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee on Military Affairs, and informing that Messrs. Dockery, Wilson, Faison, Whitfield and Selby form their branch of said committee.

Ordered, That Messrs. J. P. Caldwell, J. T. Miller, Hawkins, Robards, J. O'K. Williams form said committee on the part of the Commons.

A message from the Senate, concurring in the proposition of this House to raise a Joint Select Committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election, and informing that Messrs. Spruill, Hawkins and Albright form their branch of said committee.

Ordered, That Messrs. Mendenhall, Reid and Adams form said committee on the part of this House.

A message from the Senate, proposing to refer the reports of the Public Treasurer and Comptroller for the years of 1838 and 1839 to the Committee on Finance.

The proposition was concurred in.

Mr. J. P. Caldwell gave notice that he should, on tomorrow, move an amendment to the rules of order, as follows:

That the Door Keepers be directed to admit no person within the Hall of the Commons, while the House is in session, except members and officers of the Legislature, and officers of the State and General Government.

A message from the Senate, concurring in the proposition of this House to vote immediately for a Senator in the Congress of the United States, for the term of six years from and after the fourth of March next; and informing that Messrs. Worth and Reid form their branch of the committee to superintend this election.

Ordered, That Messrs. Robards and Eaton form said committee on the part of this House.

The vote was called, and the House voted as follows:

FOR WILLIE P. MANGUM,

Messrs.

Adams,	Guthrie,	McLaurin,
Allen,	Guyther,	McMillan,
Barringer,	Hill,	Neill,
Beall,	Holt,	Paine,
Boyden,	Huggins,	Patton,
Brannock,	Hyman,	Pemberton,
Brower,	Jacobs,	Poindexter,
Brummell,	Jefferson,	Pope,
Bryan,	Joiner,	Proctor,
Burns,	H. C. Jones,	Robards,
J. P. Caldwell,	Keener,	Russell,
Carson,	King,	Siler,
Clegg,	W. B. Lane,	Smith,
J. W. Covington,	Lilly,	Spruill,
J. M. Covington,	Mendenhall,	J. W. Taylor,
Doak,	E. P. Miller,	Thompson,
Farrow,	W. J. T. Miller,	Wadsworth,
Foreman,	Mills,	Whitehurst,
Franklin,	Moore,	J. O'K. Williams,
Gee,	Morris,	F. Williams,
R. B. Gilliam,	Murchison,	Winston,
J. R. Gilliam,	McCleese,	Wilson,
Graham,	McCollum,	Withers,
Grandy,	McLaughlin,	Young,
Gray,		Speaker.

FOR BEDFORD BROWN,

MESSRS.

Baker,	Hawkins,	Morrow,
Bannerman,	Herring,	Munroe,
J. Barnes,	Hoke,	Patterson,
E. Barnes,	Holland,	Powell,
Biggs,	Howerton,	Ragan,
Boyd,	J. B. Jones,	Rand,
Brogden,	C. Jones,	Reid,
G. W. Caldwell,	R. Jones,	Sullivan,
Cardwell,	Kerr,	Stallings,
Chambers,	Killian,	F. Taylor,
Davis,	I. W. Lane,	Tomlinson,

Dickson,	Mangum,	J. Walker,
Eaton,	Massey,	L. Walker,
Ennett,	J. T. Miller,	Ziglar,
Graves,	Monday,	

Mr. Robards, from the committee appointed to conduct this election, reported that Willie P. Mangum had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. Robards,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. Bedford Brown.

A message from the Senate, concurring in this proposition, and informing that Messrs. Gaither and Whitaker form their branch of the committee to superintend the election.

The vote of the House was as follows:

FOR WILLIE P. MANGUM,

Messrs.

Speaker.	Guthrie,	McLaurin,
Adams,	Guyther,	McMillan,
Allen,	Hill,	Neal,
Barringer,	Holt,	Paine,
Beall,	Huggins,	Patton,
Boyden,	Hyman,	Pemberton,
Brannock,	Jacobs,	Poindexter,
Brower,	Jefferson,	Pope,
Brummell,	Joiner,	Proctor,
Bryan,	H. C. Jones,	Robards,
Burns,	Keener,	Russell,
J. P. Caldwell,	King,	Siler,
Carson,	W. B. Lane,	Smith,
Clegg,	Lilly,	Spruill,
J. W. Covington,	Mendenhall,	J. W. Taylor,
J. M. Covington,	E. P. Miller,	Thompson,
Doak,	W. J. T. Miller,	Wadsworth,
Farrow,	Mills,	Whitehurst,
Foreman,	Moore,	J. O'K. Williams,
Franklin,	Morris,	F. Williams,
Gee,	Murchison,	Winston,
R. B. Gilliam,	McCleese,	Wilson,

Graham,
Grandy,
Gray,

McCollum,
McLaughlin,

Withers,
Young,

FOR BEDFORD BROWN,

Messrs:

Baker,
Bannerman,
J. Barnes,
E. Barnes,
Boyd,
Brogden,
Chambers,
Davis,
Diekson,
Eaton,
Ennett,
Graves,

Hawkins,
Herring,
Holland,
Howerton,
J. B. Jones,
C. Jones,
R. Jones,
Kerr,
Killian,
I. W. Lane,
Mangum,
Massey,

J. T. Miller,
Monday,
Morrow,
Munroe,
Patterson,
Ragan,
Reid,
Stallings,
F. Taylor,
Tomlinson,
J. Walker,
L. Walker.

FOR R. M. SAUNDERS,

Messrs.

Biggs,

Rand.

FOR WM. H. HAYWOOD, Jr.,

Messrs.

G. W. Caldwell,

Cardwell.

FOR WELDON N. EDWARDS,

Mr. Powell.

FOR JAMES KERR,

Mr. Sullivan.

Mr. Thompson, from the committee appointed to conduct this election, reported that Willie P. Mangum had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

On motion of Mr. Mendenhall,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange.

A message from the Senate, concurring in this proposition, and informing that Messrs. Ribelin and Hill form their branch of the committee to conduct this election.

Ordered, That Messrs. Mendenhall and Morrow form said committee on the part of the Commons.

The House thereupon proceeded to vote as follows:

FOR WILLIAM A. GRAHAM,

Messrs.

Adams,	Guthrie,	McMillan,
Allen,	Guyther,	Neal,
Barringer,	Hill,	Paine,
Boyden,	Holt,	Patton,
Beall,	Huggins,	Pemberton,
Brannock,	Hyman,	Poindexter,
Brower,	Jacobs,	Proctor,
Brummell,	Jefferson,	Pope,
Bryan,	Joiner,	Robards,
Burns,	H. C. Jones,	Russell,
J. P. Caldwell,	Keener,	Siler,
Carson,	King,	Smith,
Clegg,	W. B. Lane,	Spruill,
J. W. Covington,	Lilly,	J. W. Taylor,
J. M. Covington,	Mendenhall,	Tompson,
Doak,	E. P. Miller,	Wadsworth,
Farrow,	W. J. T. Miller,	Whitehurst,
Foreman,	Mills,	J. O'K. Williams,
Franklin,	Moore,	F. Williams,
Gee,	Morris,	Winston,
R. B. Gilliam,	Murchison,	Wilson,
D. A. Graham,	McCleese,	Withers,
Grandy,	McLaurin,	Young,
Gray,	McLaughlin,	McCollum,

FOR ROBERT STRANGE,

Messrs.

Baker,	Hawkins,	Morrow,
Bannerman,	Herring,	Munroe,
J. Barnes,	Holland,	Patterson,
E. Barnes,	Howerton,	Powell,
Biggs,	J. B. Jones,	Ragan,
Boyd,	C. Jones,	Rand,
Brogden,	R. Jones,	Reid,
G. W. Caldwell,	Kerr,	Sullivan,

Cardwell,	Killian,	Stallings,
Chambers,	I. W. Lane,	F. Taylor,
Davis,	Mangum,	Tomlinson.
Dickson,	Massey,	L. Walker.
Eaton,	J. T. Miller,	J. Walker,
Ennett,	Monday,	Ziglar.
Graves,		

Mr. Mendenhall, from the committee appointed to conduct this election, reported that William A. Graham had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

The resignations of G. C. Askew, of Buncombe county; of William Johnston, of Nash; of William C. Giliam, of Rockingham; of H. Bridgen, of Nash; of Jas. B. Woodard, of Edgecombe county, Justices of the Peace, were presented, read and accepted.

The resignation of Jacob Powell, a Justice of the Peace of the county of Columbus, received from the Senate, was read and accepted.

On motion of Mr. Hill, the following resolutions were adopted.

Resolved, That so much of the Governor's message as relates to the subject of Common Schools, be referred to the Committee on Education.

That so much thereof as relates to the subject of a Penitentiary, be referred to the joint select committee already raised on the Lunatic and Orphan's Assylum.

That so much thereof as relates to the subject of Internal Improvement, be referred to the Committee on Internal Improvement.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, Nov. 25, 1840.

On motion of Mr. Reid,

Ordered, That a message be sent to the Senate, informing that the name of Thomas W. Wilson is withdrawn

from the nomination for Solicitor of the 7th Judicial Circuit.

On motion of Mr. H. C. Jones, Mr. Moore was added to the Committee on the Judiciary.

On motion of Mr. Mendenhall,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of repealing all laws concerning the processioning of lands in this State; and that they report by bill or otherwise.

On motion of Mr. Boyden,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws in relation to the sale and transfer of real estate by femes covert, residing beyond the limits of this State, as to dispense with the testimonials of the Governor of the State where the femes covert reside.

Mr. Patton presented a petition and counter petition from sundry citizens of the counties of Buncombe and Henderson, together with a bill for carrying their prayer into effect, entitled a bill to fix the location of the town of Hendersonville.

A message from the Senate, informing that Messrs. Faison and Pollock form their branch of the committee to superintend the election of a Solicitor for the 7th District.

Ordered, That Messrs. Mills and Hoke form this committee on the part of the House.

The House then proceeded to vote as follows:

FOR MR. B. S. GAITHER,

Messrs.

Speaker,	Guyther,	Neal,
Adams,	Hill,	Patton,
Barringer,	Holt,	Pemberton,
Beall,	Hyman,	Pope,
Brannock,	Jacobs,	Robards,
Burns,	Lilly,	Siler,
J. P. Caldwell,	E. P. Miller,	Russell,
J. W. Covington,	Moore,	Spruill,
Farrow,	Morris,	J. O'K. Williams,
Foreman,	McLaughlin,	Wilson,

Gee,	McLaurin,	Winston,
R. B. Gilliam,	McMillan,	Young.
Graham,		

FOR J. G. BYNUM,

Messrs.

Allen,	Gray,	Poindexter,
Boyden,	Huggins,	Proctor,
Brower,	Jefferson,	Smith,
Brummell,	Joiner,	J. W. Taylor,
Bryan,	H. C. Jones,	Thompson,
Carson,	Keener,	Wadsworth,
Clegg,	King,	Whitehurst,
J. M. Covington,	W. B. Lane,	Williams,
Doak,	W. J. T. Miller,	Withers,
Franklin,	Mills,	Ziglar.
J. R. Gilliam,	McCollum,	

FOR MR. GUINN,

Messrs.

Baker,	Graves,	J. T. Miller,
Bannerman,	Guthrie,	Munday,
J. Barnes,	Hawkins,	Morrow,
E. Barnes,	Herring,	Munroe,
Biggs,	Hoke,	McCleese,
Boyd,	Holland,	Patterson,
Brogden,	Howerton,	Ragan,
G. W. Caldwell,	J. B. Jones,	Rand,
Cardwell,	C. Jones,	Reid,
Chambers,	R. Jones,	Sullivan,
Davis,	Kerr,	Stallings,
Dickson,	Killian,	F. Taylor,
Eaton,	I. W. Lane,	Tomlinson,
Ennett,	Mangum,	L. Walker,
Grandy,	Massey,	J. Walker.

FOR MR. W. WILSON,

Mr. Mendenhall.

Mr. Hoke, from the committee appointed to superintend this election, reported that no one had received a

majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Cardwell,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for this officer.

A message was received from the Senate, agreeing to this proposition, and informing that Messrs. Speed and Kerr form their branch of the committee to superintend the election.

Ordered, That Messrs. Keener and Morris form this committee on behalf of the Commons.

The House then proceeded to vote as follows:

FOR MR. GAITHER,

Messrs.

Speaker,	McLaughlin,	Winston,
Adams,	McLaurin,	Wilson,
Barringer,	McMillan,	Young,
Beall,	Neal,	Foreman,
Boyd,	Paine,	Gee,
Brannock,	Patton,	R. B. Gilliam,
Burns,	Pemberton,	D. A. Graham,
J. P. Caldwell,	Pope,	Grandy,
J. W. Covington,	Proctor,	Gray,
Doak,	Robards,	Guyther,
Lilly,	Russell,	Hill,
E. P. Miller.	Siler,	Holt,
Morris,	Smith,	Hyman,
Murchison,	Spruill,	Jacobs.
McCleese,	J. O'K. Williams,	

FOR MR. BYNUM,

MESSRS.

Allen,	W. J. T. Miller.	Ziglar,
Boyden,	Mills,	Franklin,
Brower,	McCollum,	J. R. Gilliam,
Brummell,	Poindexter,	Huggins,
Bryan,	J. W. Taylor,	Jefferson,
Carson,	Thompson,	Joiner,
Clegg,	Wadsworth,	H. C. Jones,

J. M. Covington,	Whitehurst,	Keener.
King,	F. Williams,	
W. B. Lane,	Withers,	

FOR MR. GUINN,

Messrs.

Baker,	Killian,	F. Taylor,
Bannerman,	I. W. Lane,	Tomlinson,
J. Barnes,	Mangum,	L. Walker,
E. Barnes,	Massey,	J. Walker,
Biggs,	J. T. Miller,	Graves,
Brogden,	Monday,	Guthrie,
G. W. Caldwell,	Munroe,	Hawkins,
Cardwell,	Morrow,	Herring,
Chambers,	Patterson,	Hoke,
Davis,	Ragan,	Holland,
Dickson,	Rand,	Howerton,
Eaton,	Reid,	J. B. Jones,
Ennett,	Sullivan,	C. Jones,
Kerr,	Stallings,	R. Jones.

FOR MR. WILSON,

Mr. Mendenhall.

Mr. Keener, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. Siler, from the joint select committee on Cherokee Lands, to whom was referred the bill authorizing the Governor to appoint an agent in the county of Macon or Cherokee, reported the same without amendment.

The said bill was read, and, on motion of Mr. Cad. Jones, laid on the table and ordered to be printed.

Mr. Neal presented a bill for the more convenient administration of justice in the county of Burke; which was read the first time and passed.

The proposed amendment to the Rules of Order was read, and, on motion of Mr. Roberts, postponed indefinitely.

The resignation of John Allen, as a Justice of the Peace of the county of Burke, was presented, read and accepted.

The House then adjourned until to-morrow morning, ten o'clock.

THURSDAY, NOV. 26, 1840.

William A. Graham, the Speaker of the House of Commons, resigned his seat as Presiding Officer of this body and as a member of the House of Commons from the county of Orange.

On motion of Mr. Biggs,

Ordered, That the House proceed to vote for a Speaker, to fill the vacancy occasioned by such resignation.

Mr. Guthrie nominated for this office, Robert B. Gilliam, one of the members representing the county of Granville.

Mr. Winston and Mr. Biggs were called as superintendents of this election.

The House then voted as follows:

FOR MR. R. B. GILLIAM,

Messrs.

Adams,	Guyther,	Neal,
Allen,	Hill,	Paine,
Barringer	Holt,	Patton,
Beall,	Huggins,	Pemberton,
Boyden,	Hyman,	Poindexter,
Brannock,	Jacobs,	Pope,
Brower,	Jefferson,	Proctor,
Brummell,	Joiner,	Robards,
Bryan,	H. C. Jones,	Russell,
Burns,	Keener,	Siler,
J. P. Caldwell,	King,	Smith,
Carson,	W. B. Lane,	Spruill,
Clegg,	Lilly,	Stallings,
J. W. Covington,	Mendenhall,	J. W. Taylor,
J. M. Covington,	E. P. Miller,	Thompson,
Doak,	W. J. T. Miller,	Tomlinson,
Farrow,	Mills,	Wadsworth,
Foreman,	Munday,	L. Walker,
Franklin,	Morrow,	Whitehurst,

Gee,	Morris,	J. O'K. Williams,
J. R. Gilliam,	Murchison,	F. Williams,
Graham,	McCleese,	Winston,
Grandy,	McCollum,	Wilson,
Graves,	McLaughlin,	Withers,
Gray,	McLaurin,	Young.
Guthrie,	McMillan,	

FOR MR. HOKE,

Messrs.

Bannerman,	Dickson,	Massey,
J. Barnes,	Eaton,	Munroe,
E. Barnes,	Ennett,	Powell,
Biggs,	Herring,	Ragan,
Brogden,	Howerton,	F. Taylor,
Chambers,	I. W. Lane,	J. Walker.
Davis,		

FOR ASA BIGGS,

Mr. J. B. Jones.

FOR CALVIN GRAVES,

Messrs.

Boyd,	Cardwell.
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FOR WM. EATON,

Messrs.

G. W. Caldwell,	Patterson.
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FOR J. P. CALDWELL,

Mr. Hawkins,

FOR CAD. JONES,

Messrs.

Hoke,	J. T. Miller.
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FOR DAVID REID,

Messrs.

Holland,	Morrow.
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FOR JOSEPH HERRING,

Mr. Sullivan.

FOR LEVI WALKER,

MESSRS.

C. Jones,
R. Jones,Kerr,
Rand,

Ziglar.

FOR G. W. CALDWELL,

Messrs.

Killian,

Reid.

Mr. Gilliam having thus received a majority of the whole number of votes, was declared duly elected Speaker of the House of Commons. He was accordingly conducted to the chair by Messrs. Guthrie and H. C. Jones, from whence he made his acknowledgments to the House in an appropriate address.

On motion of Mr. J. T. Miller,

Resolved unanimously, That the thanks of this House be tendered to the Hon. William A. Graham, late Speaker of this House, for the able, dignified and impartial manner with which he has discharged the duties of the chair.

On motion of Mr. Holt,

Resolved, That a writ of election be forthwith issued to the sheriff of Orange county, directing an election to be held as required by law, on Thursday the 3rd day of December, for a member of this House, to fill the vacancy occasioned by the resignation of the Hon. William A. Graham.

On motion of Mr. Reid,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for Solicitor of the 7th Judicial Circuit.

Received a message from the Senate, concurring in this proposition, and informing that Messrs. Cooper and Selby, form their branch of the committee to superintend the election.

Ordered, That Messrs. H. C. Jones, and J. M. Covington, form said committee on behalf of the Commons.

The House then voted as follows:

FOR JAS. W. GUINN,

MESSRS.

Bannerman,
J. Barnes,Hawkins,
Herring,Morrow,
Patterson,

E. Barnes,	Hoke,	Powell,
Biggs,	Holland,	Ragan,
Boyd,	Howerton,	Rand,
Brogden,	J. B. Jones,	Reid,
G. W. Caldwell,	C. Jones,	Smith,
Cardwell,	R. Jones,	Sullivan,
Chambers,	Kerr,	Stallings,
Davis,	Killain,	Tomlinson,
Dickson,	I. W. Lane,	F. Taylor,
Eaton,	J. T. Miller,	L. Walker,
Ennett,	Monday,	J. Walker.
Graves,	Munroe,	

FOR B. S. GAITHER.

Messrs.

Speaker,	Holt,	Neal,
Adams,	Hyman,	Paine,
Barringer,	Jacobs,	Patterson,
Beall,	King,	Pemberton,
Burns,	Lilly,	Pope,
J. W. Covington,	E. P. Miller,	Robards,
Farrow,	Morrow,	Russell,
Gee,	Morris,	Siler,
Graham,	McCleese,	Spruill,
Grandy,	McLaughlin,	J. O'K. Williams,
Gray,	McLaurin,	Winston,
Guyther,	McMillan,	Young.
Hill,		

FOR J. G. BYNUM,

Messrs.

Allen,	J. R. Gilliam,	Murchison,
Boyden,	Huggins,	McCollum,
Brannock,	Jefferson,	Poindexter,
Brower,	Joiner,	Proctor,
Brummell,	H. C. Jones,	J. W. Taylor,
Bryan,	Keener,	Thompson,
Clegg,	W. B. Lane,	Wadsworth,
J. M. Covington,	Mangum,	Whitehurst,
Doak,	Massey,	F. Williams,
Foreman,	W. J. T. Miller,	Withers.
Franklin,	Mills,	Zeglar.

FOR THOMAS W. WILSON,

Messrs.

J. P. Caldwell, Mendenhall, Wilson.

The following messages were received from the Senate.

A message informing that Messrs. Gaither, Worth and Pasteur, form their branch of the joint select committee, on so much of the Governor's message, as relates to a Penitentiary.

That Messrs. Moore, Hellen and McDiarmid, form their branch of the committee on so much of the Governor's message, as relates to Lunatic and Orphan Asylums.

That Messrs. Bynum, Arrington and Puryear, form their branch of the committee on so much of said message as relates to a United States Bank, and an increase of the Bank capital of the State.

That Messrs. Spruill, Ried, Johnson, Whitaker and Spiers form their branch of the committee on public buildings and re-building the capitol.

And that Messrs. Morehead, Reid and Bond form their branch of the committee on so much of said message as relates to a union of the Board of Internal Improvement and Literary Fund.

A message concurring in the proposition of this House, to raise a joint select committee to inquire into the expediency of abolishing imprisonment for debt, and informing that Messrs. Edwards, Parks and Montgomery form their branch of said committee.

Ordered, That Messrs. Paine, Clegg and Poindexter form said committee on the part of this House.

A message proposing that so much of the Governor's message as relates to the remonstrance of the people of the District of Columbia, and the proceedings of the Legislature of the States of New York, Kentucky and other States on the subject of the Public Domain, and the New Jersey resolutions, be referred to a joint select committee of three on the part of the Senate, and four on the part of the Commons. The proposition was concurred in, and Messrs. N. Boyden, Paine, McCollum and J. T. Miller appointed to compose said committee on the part of the Commons.

A message from the Senate, informing that Messrs.

Mitchell, Wilson and Albright form their branch of said committee.

Mr. Biggs presented a petition from sundry citizens of Martin county, together with a bill to carry the prayer of the petition into effect, entitled a bill to prevent the obstruction of fish passing up Roanoke and Cashie rivers, and their waters.

The said bill was read the first time and passed, and, on motion, it was order that a message be sent to the Senate, proposing that the said bill and petition be referred to a joint select committee, composed of the members representing the Counties of Halifax, Northampton, Bertie, Martin, Chowan, Washington, Perquimons, Pasquotank, Currituck, Camden, Gates, Hertford and Tyrrel.

On motion of Mr. Siler,

Resolved, That the Clerk of the County Court of Macon be required to deliver the map of the lands of Cherokee, now in his office, to the clerk of the County Court of Cherokee, and the said map be regarded as a record in the office of the clerk of Cherokee, any law to the contrary notwithstanding.

Mr. Hill introduced a bill to amend an act entitled an act to amend an act, passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; which was read the first time and passed.

Mr. Mendenhall, from the joint select committee raised upon the subject, made a report recommending the adoption of the following resolution:

Resolved, That the two Houses of this General Assembly shall assemble in the hall of the House of Commons, on Friday, the fourth day of December, 1840, at 12 o'clock; that one person shall be appointed teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared; that the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made agreeably to the constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the journals of the two Houses.

The said resolution was read and adopted.

Mr. Carson, from the committee to whom was referred the bill to lay off and establish a county by the name of Caldwell, reported the same without amendment, when the said bill was read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably to the bill to prevent litigation, when the said bill was read, and, on Mr. Winston's motion, was indefinitely postponed.

Mr. Wilson presented pension certificates from the County Court of Perquimons in favor of Priscilla Goodwin, a State pensioner.

Ordered, on motion of Mr. Wilson, that the same be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. H. C. Jones,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law authorising the Governor to issue his proclamation, ordering an election for members of Congress whenever there shall be a called session of Congress between the fourth of March and the second Thursday in August, in the years when the terms of the said members shall have expired.

Mr. G. W. Caldwell introduced a bill to secure to the free white men of the State the right of voting for representatives in the Senate of General Assembly; which was read the first time and passed.

The resignations of Hugh Watson, of Rutherford, and Joseph W. Stockton, of Iredell county, justices of the peace, were presented, read and accepted.

Mr. H. C. Jones, from the committee appointed to superintend the election of Solicitor of the 7th judicial circuit, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The House then adjourned until to-morrow morning, ten o'clock.

FRIDAY, NOV. 27, 1840.

Samuel Fleming, the member elect from the county of Yancy, appeared, exhibited his credentials, and was qualified according to law.

On motion of Mr. Mendenhall,

Ordered, That a message be sent to the Senate, communicating the report of the joint select committee raised upon the subject of counting and comparing the votes given at the last election for Governor of the State, and asking the concurrence of the Senate therein.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, proposing that the two Houses shall vote to-morrow, at eleven o'clock, for a Solicitor for the first judicial circuit.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Solicitor for the seventh circuit.

A message was received from the Senate, concurring in this proposition, and informing that Messrs. Orr and Hargrave form their branch of the committee to superintend the election.

Ordered, That Messrs. Mills and Biggs form said committee on the part of this House.

The House then voted as follows:

FOR MR. GAITHER,

Messrs.

Speaker,	Hyman,	Patterson,
Adams,	Jacobs.	Patton,
Barringer,	Lilly,	Pemberton,
Beall,	E. P. Miller.	Pope,
Burns,	Moore,	Robards,
J. W. Covington,	Morris,	Russell,
Gee,	McCleese,	Siler,
Graham,	McLaughlin,	Smith,
Grandy,	McLaurin,	Spruill,
Gray,	McMillan,	J. O'K. Williams,
Guyther,	Neal,	Winston,
Hill,	Paine,	Young.
Holt,		

FOR MR. BYNUM,

MESSRS.

Allen,	Ennett,	Mills,
Baker,	Foreman,	Monday,
J. Barnes,	Franklin,	Murchison,
E. Barnes,	J. R. Gilliam,	McCollum,
Boyden,	Huggins,	Poindexter,
Brannock,	Jefferson,	Proctor,
Brogden,	Joiner,	J. W. Taylor,
Brower,	H. C. Jones,	Thompson,
Brummell,	Keener,	Wadsworth,
Bryan,	W. B. Lane,	Whitehurst,
Carson,	Mangum,	F. Williams,
Clegg,	Massey,	Withers,
J. M. Covington,	W. J. T. Miller,	Ziglar.
Doak,		

FOR MR. GUINN,

Messrs.

Bannerman,	Herring,	Munroe,
Biggs,	Hoke,	Patterson,
Boyd,	Holland,	Powell,
G. W. Caldwell,	Howerton,	Ragan,
Cardwell,	J. B. Jones,	Rand,
Chambers,	C. Jones,	Reid,
Davis,	R. Jones,	Sullivan,
Dickson,	Kerr,	Stallings,
Eaton,	Killian,	F. Taylor,
Fleming,	I. W. Lane,	Tomlinson.
Graves,	J. T. Miller,	J. Walker,
Guthrie,	Morrow,	L. Walker.
Hawkins,		

FOR MR. T. W. WILSON,

Messrs.

J. P. Caldwell,	Mendenhall,	Wilson.
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Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, to whom was referred a petition praying the erection of a county out of a portion of the territory of Cumberland, Moore, Chatham and Wake, re-

ported unfavorably thereon, and prayed that the committee be discharged from the further consideration of the subject.

Mr. Rand presented a counter petition on the same subject from a portion of the citizens of the county of Wake; which was read.

The question on concurring in the report of the committee was determined in the affirmative—yeas 87, nays 25. The yeas and nays demanded by Mr. Reid.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	Patterson,
Allen,	Guyther,	Poindexter,
Baker,	Hawkins,	Pope,
Bannerman,	Herring,	Powell,
J. Barnes,	Hill,	Proctor,
E. Barnes,	Hoke,	Ragan,
Barringer,	Holland,	Rand,
Beall,	Howerton,	Robards,
Boyd,	Huggins,	Russell,
Brannock,	Hyman,	Siler,
Brogden,	Jacobs,	Smith,
Brower,	Joiner,	Spruill,
Bryan,	H. C. Jones,	Sullivan,
Burns,	J. B. Jones,	Stallings,
J. P. Caldwell,	R. Jones,	J. W. Taylor,
Cardwell,	Kerr,	F. Taylor,
Clegg,	I. W. Lane,	Thompson,
J. M. Covington,	Mangum,	Tomlinson,
J. W. Covington,	Massey,	Wadsworth,
Davis,	Mendenhall,	L. Walker,
Dickson,	J. T. Miller,	Whitehurst,
Eaton,	Mills,	J. O'K. Williams,
Ennett,	Munday,	F. Williams,
Foreman,	Moore,	Winston,
Franklin,	Murchison,	Wilson,
Gee,	McCleese,	Withers,
J. R. Gilliam,	McLaughlin,	Young,
Grandy,	McLaurin,	Ziglar.
Graves,	McMillan,	

Those who voted in the negative, were

Messrs.

Boyden,	Jefferson,	Morrow,
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Brummell,	Keener,	Munroe,
G. W. Caldwell,	Killian,	McCollum,
Carson,	W. B. Lane,	Neal,
Chambers,	Lilly,	Patton,
Flemming,	E. P. Miller,	Pemberton,
Graham,	W. J. T. Miller,	Reid,
Guthrie,	Morris,	J. Walker,
Holt,		

Mr. Biggs, from the committee appointed to superintend the election of Solicitor for the Seventh Circuit, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing that another vote be taken immediately for this officer. The proposition was agreed to, and Messrs. Patterson and Gray appointed to superintend the election.

A message from the Senate, informing that Messrs. Myers and Melvin, form their branch of said committee.

The House then voted as follows:

FOR MR. B. S. GAITHER,

Messrs.

Speaker,	Hyman,	Patton,
Adams,	Jacobs,	Pemberton,
Barringer,	Keener,	Robards,
Beall,	Lilly,	Russell,
Burns,	E. P. Miller,	Siler,
J. W. Covington,	Morris,	Spruill,
Graham,	McCleese,	Smith,
Grandy,	McLaughlin,	J. O'K. Williams,
Gray,	McLaurin,	Winston,
Guyther,	McMillan,	Young.
Hill,	Neal,	
Holt,	Paine,	

FOR J. G. BYNUM,

Messrs.

Allen,	Gee,	McCollum,
Baker,	J. R. Gilliam,	Poindexter,
Boyden,	Huggins,	Pope,

Brannock,	Jefferson,	Proctor,
Brower,	Joiner,	J. W. Taylor,
Brummell,	H. C. Jones,	Thompson,
Bryan,	W. B. Lane,	Whitehurst,
Clegg,	Massey,	F. Williams,
J. M. Covington,	W. J. T. Miller,	Withers,
Doak,	Mills,	Mangum,
Foreman,	Moore,	Wadsworth,
Franklin,	Murchison,	Ziglar.

FOR J. W. GUINN,

Messrs.

Bannerman,	Graves,	Monday,
J. Barnes,	Guthrie,	Morrow,
E. Barnes,	Hawkins,	Munroe,
Biggs,	Herring,	Patterson,
Boyd,	Hoke,	Powell,
Brogden,	Holland,	Ragan,
G. W. Caldwell,	Howerton,	Rand,
Cardwell,	J. B. Jones,	Reid,
Chambers,	C. Jones,	Sullivan,
Davis,	R. Jones,	Stallings,
Dickson,	Kerr,	F. Taylor,
Eaton,	Killian,	Tomlinson,
Ennett,	I. W. Lane,	J. Walker,
Flemming,	J. T. Miller,	L. Walker,

FOR T. W. WILSON,

Messrs.

J. P. Caldwell,	Mendenhall,	Wilson.
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Mr. Patterson, from the committee of superintendence, reported that no one of the candidates had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Received from the Senate another message, proposing to vote again immediately for this officer; the proposition was concurred in, and Messrs. Keener and Bannerman were appointed to conduct the election.

The House then voted as follows:

FOR MR. B. S. GAITHER,

Messrs.

Speaker,	Holt,	Pemberton,
Adams,	Hyman,	Robards,
Barringer,	Keener,	Russell,
Beall,	Lilly,	Siler,
Burns,	E. P. Miller,	Smith,
Graham,	Morris,	Spruill,
Gray,	McCleese,	J. O'K. Williams,
Guyther,	McLaughlin,	Winston,
Hill,	McMillan,	Young.

FOR J. G. BYNUM,

Messrs.

Allen,	Gilliam,	McLaurin,
Boyden,	Huggins,	Patton,
Brannock,	Jacobs,	Poindexter,
Brower,	Jefferson,	Pope,
Brummell,	Joiner,	Proctor,
Bryan,	H. C. Jones,	J. W. Taylor,
Clegg,	W. B. Lane,	Tompson,
J. W. Covington,	Massey,	Wadsworth,
J. M. Covington,	Mills,	Whitehurst,
Doak,	Moore,	F. Williams,
Foreman,	Murchison,	Withers,
Franklin,	McCollum,	Ziglar.
Gee,		

[FOR J. W. GUINN,

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Guthrie,	Morrow,
J. Barnes,	Hawkins,	Munroe,
E. Barnes,	Herring,	Patterson,
Biggs,	Hoke,	Powell,
Boyd,	Holland,	Ragan,
Brogden,	Howerton,	Rand,
G. W. Caldwell,	J. B. Jones,	Reid,
Cardwell,	C. Jones,	Sullivan,
Chambers,	R. Jones,	Stallings,
Davis,	Kerr,	F. Taylor,

Eaton,	Killian,	Tomlinson,
Ennett,	I. W. Lane,	L. Walker,
Flemming,	J. T. Miller,	J. Walker.

FOR THOS. W. WILSON,

Messrs.

J. P. Caldwell,	Mendenhall,	Wilson.
Grandy,		

FOR WM. E. MILLS,

Messrs.

W. J. T. Miller,	Neal,	Paine.
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Mr. Bannerman, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes. The report was concurred in.

Received from the Senate a message, proposing to vote again immediately for this officer. The message was concurred in.

On motion of Mr. Patton, the name of Mr. Wm. E. Mills was added to the nomination, and the Senate be so informed.

A message from the Senate, informing that Messrs. Hellen and Whitaker form their branch of the committee to superintend the election.

Ordered, That Messrs. Beall and Kerr form said committee on the part of this House.

The House proceeded again to vote as follows:

FOR B. S. GAITHER,

MESSRS.

Speaker,	Holt,	Pemberton,
Adams,	Hyman,	Russell,
Barringer,	Keener,	Siler,
Beall,	Lilly,	Smith,
Graham,	E. P. Miller,	Spruill,
Gray,	McLaughlin,	Winston.
Hill,	McMillan,	

FOR WM. E. MILLS,

Messrs.

Carson,	Neal,	Robards,
Guyther,	Paine,	J. O'K. Williams,

W. J. T. Miller, Patton, Young.
McCleese,

FOR J. G. BYNUM,

Messrs.

Allen,	Grandy,	McLaurin,
Boyden,	Huggins,	Poindexter,
Brannock,	Jacobs,	Pope,
Brower,	Jefferson,	Proctor,
Brummell,	Joiner,	J. W. Taylor,
Bryan,	H. C. Jones,	Thompson,
Burns,	W. B. Lane,	Wadsworth,
Clegg,	Massey,	Whitehurst,
J. W. Covington,	Mangum,	F. Williams,
Doak,	Moore,	Wilson,
Foreman,	Morris,	Withers,
Franklin,	Murchison,	J. M. Covington,
Gee,	McCollum,	Ziglar.

FOR J. W. GUINN,

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Guthrie,	Morrow,
J. Barnes,	Hawkins,	Munroe,
E. Barnes,	Herring,	Patterson,
Biggs,	Hoke,	Powell,
Boyd,	Holland,	Ragan,
Brogden,	Howerton,	Rand,
G. W. Caldwell,	J. B. Jones,	Reid,
Cardwell,	C. Jones,	Sullivan,
Chambers,	R. Jones,	Stallings,
Davis,	Kerr,	F. Taylor,
Eaton,	Killian,	Tomlinson,
Ennett,	I. W. Lane,	J. Walker,
Fleming,	J. T. Miller,	L. Walker.

FOR T. W. WILSON,

Messrs.

J. P. Caldwell, Mendenhall.

Mr. Beall, from the committee appointed to conduct this election, reported that there was no election. The report was concurred in.

Received from His Excellency, the Governor, by his Private Secretary, the following communication:

EXECUTIVE OFFICE, Nov. 27, 1840.

*To the Honorable the General Assembly
of the State of North Carolina:*

GENTLEMEN:

I have the honor herewith to lay before you the Report of the President and Directors of the Literary Fund of North Carolina.

I am, gentlemen, very respectfully, your ob't. serv't.,
ED. B. DUDLEY.

On motion of Mr. Barringer,

Ordered, That the message be transmitted to the Senate, with a proposition that the message and all the accompanying documents be printed; and that it be referred to a joint select committee of five on the part of each House; and that the joint select committee of two on the part of each House, heretofore raised on the subject of the States' title to the swamp lands, form a part of said committee.

On motion of Mr. Wilson,

Ordered, That the Door Keepers of the House of Commons be instructed to ring the bell every morning thirty minutes before the hour to which the House shall have adjourned.

Mr. Hoke presented a petition from Henry Patterson, a free man of color, accompanied by a petition from many of the citizens of Raleigh, praying the emancipation of Emeline, the wife of said Patterson. The petitions were read, and on motion of Mr. Hoke, referred to the Committee on Private Bills.

On motion of Mr. Biggs,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing that some record be made of the appointment and qualification of deputy sheriff.

On motion of Mr. Young,

Resolved, That so much of the Governor's message as relates to volunteer uniform companies of militia be referred to the committee on military affairs.

On motion of Mr. Hoke,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to inquire into the causes of suspension of the Banks of this State; their operations during suspension; and when they intend to resume specie payments; and that said committee have power to send for persons and papers.

Mr. Hill presented a resolution in favor of Robert Woodsides, sheriff of Brunswick; which was referred, on Mr. Hill's motion, to the Committee on Propositions and Grievances.

Mr. Hill presented a resolution in favor of Nathaniel Potter, clerk of the county of Brunswick; which was, on motion of Mr. Hill, referred to the Committee on Propositions and Grievances.

Mr. Paine presented a petition from sundry citizens of Chowan county, praying that the fisheries on Albemarle and its waters may not be disturbed by Legislative enactments.

Ordered, on motion of Mr. Paine, that the petition be sent to the Senate, with a proposition to refer it to the joint select committee to whom is referred the bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers.

Mr. McCleese moved that the House adjourn until tomorrow morning ten o'clock. The question thereon was determined in the negative—yeas 37, noes 65. The yeas and nays demanded by Mr. J. Walker.

Those who voted in the affirmative, were

Messrs.

Allen,	Hawkins,	Poindexter,
Boyden,	Herring,	Pope,
Brummell,	Hyman,	Rand,
Bryan,	Jacobs,	Reid,
Burns,	C. Jones,	Robards,
Fleming,	Killian,	Siler,
Foreman,	W. B. Lane,	Smith,
Gee,	Massey,	Spruill,
Graham,	J. T. Miller,	Sullivan,
Grandy,	McCleese,	Tomlinson,
Gray,	McLaurin,	Wilson,
Guthrie,	Pemberton,	Winston.
Guyther,		

Those who voted in the negative, were

Messrs.

Adams,	Graves,	McCollum,
Baker,	Hill,	McLaughlin,
Bannerman,	Holland,	McMillan,
J. Barnes,	Holt,	Neal,
E. Barnes,	Howerton,	Paine,
Barringer	Huggins,	Patton,
Biggs,	Joiner,	Powell,
Boyd,	H. C. Jones,	Ragan,
Brannock,	J. B. Jones,	Russell,
Brogden,	R. Jones,	Stallings,
Brower,	Keener,	J. W. Taylor,
J. P. Caldwell,	I. W. Lane,	F. Taylor,
G. W. Caldwell,	Mendenhall,	Thompson,
Cardwell,	E. P. Miller,	Wadsworth,
Carson,	W. J. T. Miller,	L. Walker,
Clegg,	Mills,	J. Walker.
J. W. Covington,	Monday,	Whitehurst,
J. M. Covington,	Moore,	J. O'K. Williams,
Davis,	Morris,	F. Williams,
Doak,	Morrow,	Withers,
Eaton,	Munroe,	Ziglar.
Ennett,	Murchison,	

Mr. Mendenhall, from the Committee on the Judiciary, reported a bill to repeal an act entitled an act concerning the processioning of lands; which was read first time and passed.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of James McHann, of Macon county; which was concurred in.

Mr. J. P. Caldwell, from the same committee, reported unfavorably on the petition of sundry citizens of Surry county in relation to opening Ararat river for the passage of fish; which report was concurred in.

On motion of Mr. Guthrie, the bill altering and prescribing the time at which certain elections shall be hereafter held in this State, was taken up and made the order of the day for Monday next.

The House then adjourned until to-morrow morning, ten o'clock.

SATURDAY, Nov. 28, 1840.

Mr. Mendenhall presented a resolution for the relief of Thomas Faison and others. Said resolution was read, adopted, and ordered to be engrossed.

Mr. Winston, from the Committee on the Judiciary, asked that the committee be discharged from the further consideration of the resolution, referring to them so much of the Governor's message as relates to the location of the Judges of the Superior Courts. The question on discharging the committee, was determined in the affirmative.

On motion of Mr. Mills,

Resolved, That the Committee on the Judiciary, inquire if any, and what further legislation is necessary to supply the records of courts and other valuable public papers destroyed by fire or other accidents—and that they report by bill or otherwise.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the resolutions in favor of the sheriffs of the counties of Columbus, Chatham, Duplin, Macon, Nash and Washington.

Ordered. On motion of Mr. Guthrie, that the report and resolutions be laid on the table.

On motion of Mr. Moore,

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of requiring the same securities in the execution of written wills of personality, as are required in the execution in wills of realty; and if the committee be of the opinion that any alternation of the existing law upon the subject is necessary, to report a bill in conformity with their opinion.

The bill giving longer time to Register grants of land in this State, deeds of mesne conveyance, powers of attorney, was read the third time, amended on motion of Mr. Patton and passed, and ordered to be engrossed.

A message from the Senate, concurring in the proposition of this House to vote this day, at 11 o'clock, for Solicitor of the first Judicial Circuit—and informing that

Messrs. Moye and Houlder form their branch of the committee to superintend the election.

Ordered, That Messrs. Wilson and Proctor form said committee on the part of this House.

On motion of Mr. H. C. Jones, the name of David Outlaw was put in nomination for this solicitorship, and the Senate so informed.

Mr. Robards moved that a message be sent to the Senate, proposing to rescind the above named joint order of voting this day at 11.

On motion of Mr. Boyden,

Ordered, That the motion of Mr. Robards lie upon the table.

The House then proceeded to vote as follows:

FOR DAVID OUTLAW,

MESSRS.

Speaker,	Gray,	McLaughlin,
Adams,	Guthrie,	McLaurin,
Allen,	Guyther,	McMillan,
Baker,	Hawkins,	Neal,
Bannerman,	Hill,	Paine,
Barringer,	Holt,	Patton,
E. Barnes,	Howerton,	Patterson,
Beall,	Huggins,	Pemberton,
Biggs,	Hyman,	Poindexter,
Boyd,	Jacobs,	Pope,
Boyden,	Joiner,	Proctor,
Brannock,	H. C. Jones,	Rand,
Brogden,	J. B. Jones,	Robards,
Brower,	C. Jones,	Russell,
Brummell,	Keener,	Siler,
Bryan,	Killian,	Smith,
Burns,	W. B. Lane,	Spruill,
J. P. Caldwell,	Lilly,	Stallings,
Carson,	Massey,	J. W. Taylor,
Clegg,	Mendenhall,	Thompson,
J. W. Covington,	E. P. Miller,	Tomlinson,
J. M. Covington,	J. T. Miller,	Wadsworth,
Davis,	W. J. T. Miller,	L. Walker,
Dickson,	Mills,	Whitehurst,
Doak,	Monday,	J. O'K. Williams,
Eaton,	Moore,	F. Williams,
Fleming,	Morris,	Wilson,

Foreman,	Munroe,	Winston,
Franklin,	Murchison,	Withers.
Gilliam,	McCleese,	Young,
Graham,	McCollum,	Ziglar.
Grandy,		

FOR MR. BIGGS.

Messrs.

J. Barnes,	Holland,	Morrow,
G. W. Caldwell,	Jefferson,	Powell,
Cardwell.	R. Jones.	Sullivan,
Ennett,	Kerr,	F. Taylor,
Herring,	I. W. Lane,	J. Walker.

Mr. Wilson, from the committee appointed to conduct this election, reported that David Outlaw had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The resolution assigning the rooms in the capitol and for other purpose, was taken up and considered, and, on motion of Mr. Moore,

Ordered, That it be re-committed to the same committee, and that a message be sent to the Senate, proposing that said committee be increased by 3 members, on the part of each House.

Mr. Hill called up for consideration, the bill heretofore, on his motion, laid on the table, entitled a bill concerning pilots and Commissioners of navigation for Cape Fear River.

Mr. Reid moved that said bill be referred to the Committee on Propositions and Grievances. The motion was lost.

On motion of Mr. Hoke,

Ordered, That the bill be referred to a select committee. Said committee consists of Messrs. Hill, McLaughlin, J. T. Miller, Reid, Graham.

The bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, was called up, and, on Mr. Hoke's motion, referred to the Committee on the Judiciary.

The House then adjourned until Monday morning, ten o'clock.

MONDAY, Nov. 30, 1840.

The bill to establish a county by the name of Cleveland, was read the second time, and on motion of Mr. Moore, laid on the table.

A message from the Senate, concurring in the adoption of the resolution reported by the joint select committee appointed to make the arrangements, and prescribe the time for the assembling of the two Houses to compare the votes given at the late election for Governor of the State.

A message from the Senate, concurring in the proposition of this House, to refer the bill entitled a bill, to prevent the obstruction of fish passing up the Cashie and Roanoke rivers and their waters, to a joint select committee composed of the representatives in both Houses, from the counties of Halifax, Northampton, Bertie, Martin, Chowan, Washington, Perquimons, Pasquotank, Currituck, Camden, Gates and Hertford.

A message from the Senate, concurring in the proposition of this House, to vote on Tuesday next, at 11 o'clock, for Attorney General, and informing that the name of Hugh McQueen is in nomination for the appointment.

On motion of Mr. Spruill,

Ordered, That the Senate be informed, that James Iredell is in nomination for the appointment; and

On motion of Mr. Biggs, the name of J. R. J. Daniel was added to the nomination.

Mr. Hill, from the select committee to whom was referred the bill concerning Pilots and Commissioners of Navigation for Cape Fear river, reported the same with an amendment; the amendment was concurred in, and the bill as amended, read the second time and passed.

Mr. Mills, from the committee on Private Bills, reported without amendment the bill to amend an act, entitled an act, to authorize A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session of 1838. The said bill was thereupon read the second time and passed.

A message from the Senate, informing that they have passed the engrossed bill to prevent the cutting of timber into the rivers of Cherokee county, and asking the concurrence of this House. The said bill was read first time and passed.

On motion of Mr. Barringer,

Resolved, That the use of the Commons Hall be allowed to Mr. J. Orville Taylor this evening, and on Wednesday evening at candle light, for the purpose of delivering two lectures on the subject of Education.

On motion of Mr. Brogden,

Ordered, That a message be sent to the Senate, proposing that the two houses vote immediately for Solicitor of the seventh circuit.

A message from the Senate, concurring in this proposition, and informing that the name of B. S. Gaiter is withdrawn from the nomination, and that Worth and Hill form their branch to superintend the election.

Ordered, That the Senate be informed, that the name of Wm. E. Mills is withdrawn from the nomination, and that Messrs. Brummell and Stallings are appointed superintendents on behalf of the Commons.

The House then voted as follows:

FOR J. G. BYNUM,

Messrs.

Speaker,	Guyther,	McLaurin,
Adams,	Hill,	Neal,
Allen,	Holt,	Paine,
Barringer,	Huggins,	Patton,
Boyden,	Hyman,	Pemberton,
Beall,	Jacobs,	Poindexter,
Brannock,	Jefferson,	Pope,
Brower,	Joiner,	Proctor,
Brummell,	Keener,	Siler,
Bryan,	King,	Smith,
Burns,	W. B. Lane,	Spruill,
Carson,	Lilly,	J. W. Taylor,
Clegg,	W. J. T. Miller,	Thompson,
J. W. Covington,	Mills,	Wadsworth,
J. M. Covington,	Moore,	J. O'K. Williams
Doak,	Morris,	F. Williams,
Foreman,	Murchison,	Winston,
Franklin,	McCleese,	Withers,
Graham,	McClenehan,	Young,
Grandy,	McCollum,	Wilson,
Gray,	McLaughlin,	Ziglar.

FOR J. W. GUINN,

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Guthrie,	Morrow,
J. Barnes,	Hawkins,	Munroe,
E. Barnes,	Hoke,	Powell,
Boyd,	Holland,	Ragan,
Brogden	J. B. Jones,	Rand,
G. W. Caldwell,	C. Jones,	Reid,
Cardwell,	R. Jones,	Robards,
Chambers,	Kerr,	Sullivan,
Davis,	Killain,	Stallings,
Dickson,	I. W. Lane,	F. Taylor,
Eaton,	Mangum,	Tomlinson,
Ennett,	Massey,	L. Walker,
Fleming,	J. T. Miller,	J. Walker.

FOR THOS. W. WILSON,

Messrs.

J. P. Caldwell, Mendenhall,

FOR H. L. ROBARDS,

Mr. Russell.

Mr. Brummell, from the committee appointed to conduct this election, reported that John G. Bynum had received a majority of the whole number of votes, and was duly elected.

The report was concurred in.

Mr. Spruill introduced the following resolution; which was read the first time and passed:

Resolved, That the Clerk of this House employ a small boy to act as Page to the House of Commons, while the House is in session.

Mr. Reid introduced a bill to incorporate the Cross Creek Manufacturing Company, in the county of Cumberland; which was read the first time and passed, and on Mr. Cardwell's motion, referred to the Committee on Private Bills.

Received from His Excellency Governor Dudley, by his Private Secretary, Mr. C. C. Battle, the following communication:

To the Honorable the General

Assembly of North Carolina:

GENTLEMEN:

In obedience to an act of the General Assembly, (41st chapter of the Revised Statutes,) I lay before you the original returns of the votes given in the several counties in this State, on the 12th inst., for Electors to vote for President and Vice President of the United States, for the term of four years from the 4th of March, 1841; and to make known that, upon examination, as you will observe by the accompanying transcript, it appears that the following gentlemen have been chosen:

Charles McDowell, of Burke County,	
James Wellborn, of Wilkes	"
David Ramsour, of Lincoln	"
David F. Caldwell, of Rowan	"
James Mebane, of Caswell	"
John Kelly, of Moore	"
Abram Rencher, of Chatham	"
James S. Smith, of Orange	"
Charles Manly, of Wake	"
William L. Long, of Halifax	"
William W. Cherry, of Bertie	"
Thos. F. Jones, of Perquimons	"
Josiah Collins, of Washington	"
James W. Bryan, of Carteret	"
Dan'l B. Baker, of N. Hanover	"

I have the honor to be, very respectfully,

Your obedient servant,

ED. B. DUDLEY.

Executive Dep't. Nov. 28, 1840.

Received from the Senate a message, concurring in the proposition of this House to raise a joint select committee of five on the part of each House, to inquire into the causes of the suspension of the Banks of the State; their operations during suspension; and when they intend to resume specie payments; and informing that Messrs. Gaither, Hawkins, Dockery, Pasteur, Albright form their branch of the committee.

Ordered, That Messrs. Hoke, Moore, J. P. Caldwell,

Levi Walker and Wadsworth form said committee on the part of the Commons.

Mr. Moore introduced the following resolution:

Resolved, That the Clerk of this House procure for its use, one large map of the United States, and two of this State, and cause the same to be hung up in the Commons Hall at convenient places.

The said resolution was read first, second, third times and passed.

On the passage of the bill * the third reading, Mr. F. Taylor demanded the yeas and nays, and the vote was yeas 83, nays 24.

Those who voted in the affirmative, were

Messrs.

Adams,	Guthrie,	McLaughlin,
Allen,	Guyther,	McLaurin,
Baker,	Hill,	Neal,
J. Barnes,	Holt,	Paine,
Barringer,	Huggins,	Patton,
Beall,	Hyman,	Pemberton,
Biggs,	Jacobs,	Poindexter,
Boyd,	Jefferson,	Pope,
Boyden,	Joiner,	Proctor,
Brannock,	J. B. Jones,	Reid,
Brower,	C. Jones,	Robards,
Brummell,	Keener,	Russell,
Bryan,	King,	Siler,
Burns,	W. B. Lane,	Smith,
J. P. Caldwell,	Mangum,	Spruill,
Carson,	Massey,	Stallings,
Clegg,	Mendenhall,	J. W. Taylor,
J. M. Covington,	E. P. Miller,	Thompson,
J. W. Covington,	J. T. Miller,	Wadsworth,
Doak,	W. J. T. Miller,	L. Walker,
Eaton,	Mills,	Whitehurst,
Ennett,	Moore,	J. O'K. Williams,
Flemming,	Morris,	F. Williams,
Foreman,	Munroe,	Winston,
Graham,	Murchison,	Wilson,
Grandy,	McCleese,	Withers,
Graves,	McClenahan,	Young,
Gray,	McCollum,	

* Resolution?—Pr.

Those who voted in the negative, were

Messrs.

Bannerman,	Franklin,	Morrow,
E. Barnes,	Hawkins,	Powell,
Brogden,	Holland,	Ragan,
G. W. Caldwell,	R. Jones,	Rand,
Cardwell,	Kerr,	Sullivan,
Chambers,	Killian,	F. Taylor,
Davis,	I. W. Lane,	Tomlinson,
Dickson,	Munday,	J. Walker.

Mr. Neal introduced a bill regulating the number of jurors in the Superior Courts of Burke; which was read the first time and passed.

Mr. Mills, from the Committee on Private Bills, reported the bill to incorporate Little River Manufacturing Company, with an amendment.

Ordered, on motion of Mr. J. P. Caldwell, that said report and bill be laid upon the table.

Mr. Boyden introduced a bill concerning last wills and testaments, which was read the first time and passed, and referred, on Mr. Boyden's motion, to the Committee on the Judiciary.

Mr. J. B. Barnes introduced a bill authorising the several County Courts to provide for compensation to the wardens of the poor; which was read the first time and passed.

Mr. Mills, from the Committee on Private Bills, reported unfavorably on the petition of Henry Patterson, for the emancipation of his wife Emeline; and, Mr. Guthrie, on behalf of the minority of the committee introduced a counter report; which said reports, on motion of Mr. Moore were laid upon the table.

Mr. Hoke introduced a bill to emancipate Emeline Patterson: which was read the first time and passed.

The Speaker laid before the House a communication from his Excellency, Governor Dudley, transmitting the report of the board of Internal Improvement, together with sundry documents and exhibits accompanying the same.

Ordered, On motion of Mr. Boyden, that they be referred to the Committee on Internal Improvement.

Mr. J. R. Gilliam introduced the following resolution:

Resolved, That the Committee on the Judiciary be instructed to take into consideration and report upon the expediency and justice of paying Talismen the same per diem compensation allowed Jurors of the original panel.

The said resolution was read and rejected.

The House then proceeded to the order of the day, and took up the bill altering and prescribing the time at which certain elections shall hereafter be held in this State.

Mr. Winston moved to strike out the words first Thursday in August, and insert the second Thursday in August.

And Mr. Boyden moved to amend the amendment by inserting in lieu of the second Thursday in August, the last Thursday in July.

The question on Mr. Boyden's motion, was determined in the affirmative—yeas 57—nays 54. Yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.

Adams,	Fleming,	Moore,
Allen,	Foreman,	McCleese,
Baker,	Gilliam,	McClenehan,
Bannerman,	Grandy,	Neal,
J. Barnes,	Gray,	Paine,
E. Barnes,	Guthrie,	Pope,
Barringer,	Guyther,	Proctor,
Beall,	Hawkins,	Robards,
Biggs,	Hill,	Russell,
Boyden,	Huggins,	Smith,
Brannock,	Hyman,	Spruill,
Brogden,	Jacobs,	J. W. Taylor,
Bryan,	Jefferson,	F. Taylor,
Burns,	Joiner,	Thompson,
Carson,	J. B. Jones,	Wadsworth,
Clegg,	W. B. Lane,	Whitehurst,
Doak,	E. P. Miller,	J. O'K. Williams,
Eaton,	J. T. Miller,	F. Williams,
Ennett,	W. J. T. Miller,	Withers.

Those who voted in the negative, were

MESSRS.

Boyd,	R. Jones,	McLaurin,
Brower,	Keener.	Patton,
Brummell,	Kerr,	Pemberton,
J. P. Caldwell,	Killian,	Poindexter,
G. W. Caldwell,	King,	Powell,
Cardwell,	I. W. Lane,	Ragan,
Chambers,	Lilly,	Rand,
J. W. Covington,	Mangum,	Reid,
J. M. Covington,	Massey,	Siler,
Davis,	Mendenhall,	Sullivan,
Dickson,	Mills,	Stallings,
Franklin,	Monday,	Tomlinson,
Graham,	Morris,	L. Walker.
Graves,	Morrow,	J. Walker,
Hoke,	Munroe,	Winston,
Holland,	Murchison,	Wilson,
Holt,	McCollum,	Young,
C. Jones,	McLaughlin,	Ziglar.

The question then recurring on adopting the amendment as amended, was determined in the negative.

Ordered, On motion of Mr. Biggs, that the bill lie on the table.

The House then adjourned until to-morrow morning, ten o'clock.

TUESDAY, DEC. 1, 1840.

The House proceeded to execute the joint order heretofore agreed on, and voted for an Attorney General as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,	Grandy,	McClenehan,
Allen,	Gray,	McCollum.
Barringer,	Guthrie,	McLaughlin,
Beall,	Holt,	McLaurin,

Boyden,	Huggins,	McMillan,
Brannock,	Hyman,	Neal,
Brower,	Jefferson,	Patton,
Brummell,	H. C. Jones,	Pemberton,
Bryan,	Keener,	Proctor,
J. P. Caldwell,	King,	Reid,
Carson,	W. B. Lane,	Russell,
Clegg,	Lilly,	Siler,
J. M. Covington,	W. J. T. Miller,	J. W. Taylor,
Doak,	Mills,	Whitehurst,
Farrow,	Morris,	F. Williams,
Fleming,	Munroe,	Withers,
Franklin,	Murchison,	Young.
Graham,	McCleese,	

FOR JOHN R. J. DANIEL,

MESSRS.

Baker,	Hawkins,	Patterson,
Bannerman,	Hoke,	Powell,
J. Barnes,	Holland,	Ragan,
E. Barnes,	Howerton,	Rand,
Biggs,	J. B. Jones,	Robards,
Boyd,	R. Jones,	Sullivan,
G. W. Caldwell,	Kerr,	Stallings,
Cardwell,	Killian,	F. Taylor,
Chambers,	I. W. Lane,	Tomlinson.
Davis,	Mangum,	Wadsworth,
Dickson,	Massey,	J. Walker,
Eaton,	Monday,	L. Walker.
Ennett,	Morrow,	Ziglar.
Graves,	Brogden,	

FOR JAMES IREDELL,

Messrs.

Speaker,	Jacobs,	Smith,
Burns,	Mendenhall,	Spruill,
J. M. Covington,	E. P. Miller,	Thompson,
Gee,	Moore,	J. O'K. Williams,
J. R. Gilliam,	Paine,	Winston,
Guyther,	Pope,	Wilson.

FOR BAT. F. MOORE,

Messrs.

Foreman,	Hill,	Joiner,
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FOR MICHAEL HOKE,

Mr. J. T. Miller.

Mr. McClenchan, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to lay off and establish a county by the name of Stanly, was called up by Mr. Lilly, and read the second time, and the question, shall the said bill pass the second reading? was determined in the affirmative—yeas 63, nays 50. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hoke,	McCollum,
Beall,	Holland,	McLaughlin,
Boyden,	Holt,	McLaurin,
Brannock,	Huggins,	Neal,
Brower,	Jefferson,	Paine,
Brummell,	H. C. Jones,	Patton,
Bryan,	Keener,	Pemberton,
J. P. Caldwell,	Killian,	Rand,
G. W. Caldwell,	King,	Reid,
Carson,	W. B. Lane,	Robards,
Clegg,	Lilly,	Russell,
J. W. Covington,	Mendenhall,	Siler,
J. M. Covington,	E. P. Miller,	J. Walker,
Doak,	W. J. T. Miller,	L. Walker,
Fleming,	Mills,	Whitehurst,
Franklin,	Monday,	F. Williams,
Graham,	Morrow,	Winston,
Graves,	Morris,	Wilson,
Gray,	Munroe,	Withers,
Guthrie,	Murchison,	Young,
Hill,	McClenchan,	Ziglar.

Those who voted in the negative, were

Messrs.

Adams,	J. R. Gilliam,	McCleese,
Allen,	Grandy,	Patterson,
Baker,	Guyther,	Pope,
J. Barnes,	Hawkins,	Powell,

E. Barnes,	Howerton,	Proctor,
Bannerman,	Hyman,	Ragan,
Biggs,	Jacobs,	Smith,
Boyd,	Joiner,	Spruill,
Brogden,	J. B. Jones,	Sullivan,
Burns,	C. Jones,	Stallings,
Cardwell,	R. Jones,	J. W. Taylor,
Chambers,	Kerr,	F. Taylor,
Davis,	I. W. Lane,	Tompson,
Dickson,	Mangum,	Tomlinson,
Eaton,	Massey,	Wadsworth,
Foreman,	J. T. Miller.	J. O'K. Williams.
Gee,	Moore,	

Mr. Grandy introduced a bill to change the time for holding the Courts of Pleas and Quarter Sessions for the county of Camden; which was read the first time and passed.

Mr. Moore called up for consideration, the bill yesterday laid upon the table, entitled a bill altering and prescribing the times at which certain elections shall hereafter be held in this State.

Mr. Mendenhall moved to re-consider the vote of yesterday, by which the House refused to strike out the words first Thursday in August, and insert the words last Thursday in July.

Ordered, on motion of Mr. Moore, that the motion to reconsider be laid on the table.

The bill for the more convenient administration of justice in the county of Burke, was read the second time, and on motion of Mr. Patton, laid on the table.

The Speaker laid before the House a communication from Robert W. Haywood, Adjutant General, on the state of the militia of the State of North Carolina; which, on motion of Mr. Robards, was ordered to be sent to the Senate, with a proposition that it be printed and referred to the Joint Select Committee on Military Affairs.

The Speaker laid before the House a communication from Samuel F. Patterson, President of the Raleigh and Gaston Rail Road Company, transmitting, in pursuance of the charter, a statement of the receipts and expenditures of said company; which was read, and on motion of Mr. Boyden,

Ordered, That it be sent to the Senate, with a proposition that it be printed.

A message from the Senate, concurring in the proposition of this House to re-commit the resolutions reported by the Joint Select Committee raised to assign the rooms in the capitol; and that the committee be enlarged by adding three members from each House, and informing that Messrs. Morehead, Bond and Melvin are added to the committee on the part of the Senate.

Ordered, That Messrs. Moore, Spruill and Eaton be added to said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits, and asking the concurrence of this House. The said bill was read the first time and passed, and, on motion of Mr. Guthrie, made the order of the day for Friday next.

A message from the Senate, informing that they had passed the engrossed resolution directing the Librarian to prepare a catalogue, and asking the concurrence of this House. The said resolution was read and adopted, and ordered to be enrolled.

The bill to lay off and establish a county by the name of Union, was read, and, on motion of Mr. Winston, laid on the table.

A message from the Senate, concurring in the proposition of this House to print the message of His Excellency the Governor, and the documents transmitted therewith, as a Report from the President and Directors of the Literary Fund, and agreeing to the proposition to refer them to a Joint Select Committee of five on the part of each House; and that the Joint Select Committee of two on the part of each House, heretofore raised on the subject of the States' title to the swamp lands, form a part of said committee, and informing that Messrs. Arrington, Puryear and Hill form the additional members of said committee on behalf of the Senate.

Ordered, That Messrs. Allen, Mills and Monday be added to the committee on behalf of the Commons.

A message from the Senate, proposing to vote again immediately for Attorney General. The proposition was concurred in; and Messrs. Brower and Howerton appointed to superintend the election.

A message from the Senate, informing that Messrs. Reid and Williams form their branch of said committee.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,	Holt,	McLaughlin,
Barringer,	Huggins,	McLaurin,
Beall,	Hyman,	McMillan,
Brannock,	Jefferson,	Neal,
Brower,	Joiner,	Patton,
Brummell,	Keener,	Pemberton,
Bryan,	King,	Proctor,
Carson,	W. B. Lane,	Reid,
Clegg,	Lilly,	Russell,
J. M. Covington,	W. J. T. Miller,	Siler,
Doak,	Mills,	J. W. Taylor,
Fleming,	Morris,	Wadsworth,
Franklin,	Munroe,	Whitehurst,
Graham,	Murchison,	F. Williams,
Grandy,	McCleese,	Withers,
Gray,	McClenehan,	Young,
Guthrie,	McCollum,	H. C. Jones,

FOR JOHN R. J. DANIEL,

Messrs.

Baker,	Graves,	Morrow.
Bannerman,	Hawkins,	Patterson.
J. Barnes,	Hoke,	Powell,
E. Barnes,	Holland,	Ragan,
Biggs,	Howerton,	Rand,
Boyd,	J. B. Jones,	Sullivan,
Brogden,	R. Jones,	Stallings,
G. W. Caldwell,	Kerr,	F. Taylor,
Cardwell,	Killian,	Tomlinson,
Chambers,	I. W. Lane,	L. Walker,
Davis,	Mangum,	J. Walker,
Dickson,	Massey,	Monday,
Eaton,	J. T. Miller,	Ziglar.
Ennett,		

FOR JAMES IREDELL,

Messrs.

Speaker,	Jacobs,	Robards,
Boyden,	C. Jones,	Smith,

Burns,	Mendenhall,	Spruill,
J. W. Covington,	E. P. Miller,	J. O'K. Williams,
Gee,	Moore,	Thompson,
J. R. Gilliam,	Paine,	Wilson,
Guyther,	Pope,	Winston.

FOR BAT. F. MOORE,

Messrs.

J. P. Caldwell, Foreman, Hill.

Mr. Brower, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. H. C. Jones presented the following resolution:

Resolved, That when this House adjourns this day, it shall be adjourned to meet at 10 o'clock on Thursday next; and that the use of this Hall be tendered to the College of Electors of President and Vice President of the United States.

Ordered, on motion of Mr. Wilson, that said resolution lie on the table.

A message from the Senate, proposing to vote again immediately for Attorney General. The proposition was concurred in, and Messrs. Jacobs and J. Walker appointed superintendents.

A message from the Senate, informing that Messrs. Moye and Pollock form their branch of said committee.

The House then proceeded to vote as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,	Guthrie,	McLaughlin,
Allen,	Holt,	McLaurin,
Barringer,	Huggins,	McMillan,
Beall,	Hyman,	Neal,
Branuock,	Jefferson,	Patton,
Brower,	H. C. Jones,	Pemberton,
Brummell,	Keener,	Proctor,
Bryan,	King,	Reid.
Carson,	W. B. Lane,	Russell,

Clegg,	Lilly,	Siler,
J. M. Covington,	W. J. T. Miller,	J. W. Taylor,
Doak,	Morris,	Wadsworth,
Fleming,	Munroe,	Whitehurst,
Franklin,	Murchison,	F. Williams,
Graham,	McCleese,	Withers,
Grandy,	McClenahan,	Young.
Gray,	McCollum,	

FOR JOHN R. J. DANIEL,

MESSRS.

Baker,	Ennett,	Monday,
Bannerman,	Graves,	Morrow.
J. Barnes,	Hawkins,	Patterson,
E. Barnes,	Holland,	Powell,
Biggs,	Howerton,	Ragan,
Boyd,	J. B. Jones,	Rand,
Brogden,	R. Jones,	Sullivan,
G. W. Caldwell,	Kerr,	Stallings,
Cardwell,	Killian,	F. Taylor,
Chambers,	I. W. Lane,	Tomlinson,
Davis,	Mangum,	L. Walker,
Dickson,	Massey,	J. Walker,
Eaton,	J. T. Miller,	Ziglar.

FOR JAMES IREDELL,

Messrs.

Speaker,	Joiner,	Robards,
Burns,	C. Jones,	Smith,
J. W. Covington,	Mendenhall,	Spruill,
Foreman,	E. P. Miller,	Thompson,
Gee,	Moore,	J. O'K. Williams,
Guyther,	Paine,	Wilson,
Hoke,	Pope,	Winston.
Jacobs,		

FOR B. F. MOORE,

Messrs.

Boyden,	Hill,	Mills.
J. P. Caldwell,		

Mr. J. Walker, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The resignation of Isaac Satterfield, a Justice of the Peace of the county of Person, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning, ten o'clock.

WEDNESDAY, DEC. 2, 1840.

Mr. Reid presented the petition of Isaac Hunter, a free man of color, with a petition from many citizens of the city of Raleigh, praying an amelioration of the laws in his favor regulating free negroes, together with a resolution in favor of Isaac Hunter. The petition and resolution were read, and, on motion of Mr. Reid, referred to the Committee on Propositions and Grievances.

Mr. Paine called up for consideration the resolution of Mr. H. C. Jones, yesterday laid upon the table, when Mr. Robards moved to strike out the whole thereof after the word resolved, and insert the following:

That the hall of the House of Commons be, and the same is hereby tendered to the College of Electors, about to assemble this day in the Capitol, for the purpose of casting the votes of the State N. C. for President and Vice President of the United States; and that a committee be appointed to announce to the College this decision; and that this House do now adjourn until to-morrow morning, at ten o'clock.

The resolution was adopted, and Messrs. Paine, Robards and Hoke were appointed the committee therein referred to, and the House then adjourned until to-morrow morning, at 10 o'clock,

THURSDAY, DEC. 3, 1840.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, who were instructed to inquire into the expediency of restoring to the several courts jurisdiction of pleas where the same has heretofore been abolished, reported against the alteration of the law, in that particular, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. J. P. Caldwell, from the same committee, reported without amendment the resolution in favor of Nathaniel Potter, Clerk of the county of Brunswick, when, on motion of Mr. Hill, the said resolution was laid on the table.

Mr. Graves, from the same committee, reported a resolution in favor of Philip Hodnett, late Entry Taker for the county of Caswell; which was read the first time and passed.

Mr. J. P. Caldwell, from the same committee, reported the resolution in favor of Robert Woodside, sheriff of the county of Brunswick.

On motion of Mr. Hill, the resolution was amended, and read the first, second and third times and passed, and ordered to be engrossed.

Mr. J. T. Miller presented a memorial from the Wilmington and Raleigh Rail Road Company, praying the aid of the State; which was read, and, on motion of Mr. Miller, referred to the Committee on Internal Improvement.

Mr. H. C. Jones, from the Committee on the Judiciary, to whom was referred the resolution concerning the election of members of Congress, reported that it is inexpedient to legislate in the manner proposed. The report was concurred in.

On motion of Mr. Biggs the following resolution was adopted:

Resolved, That the Public Treasurer be directed to report to this House the whole amount of stock held by the State in incorporated companies, specifying the amount in each company, and the fund to which it belongs, with the market value of the same, as nearly as it can be ascertained: Also, the several sums or debts due the State, (the Cherokee bonds to be included in one item,) specifying the fund to which they

belong, and whether the collection of the same, or any part thereof be, in his opinion, doubtful.

Mr. H. C. Jones from the joint select committee on that subject, reported resolutions concerning the apartments in the capitol.

The said resolutions were read the first, second and third times, passed, and ordered to be engrossed.

Mr. H. C. Jones, from the same committee, reported a bill to amend an act entitled an act concerning the seat of Government and public buildings; which was read the first time and passed.

The bill to amend an act entitled an act to amend an act passed in the year, 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes, was read, amended on the several motions of Messrs. Bannerman, I. W. Lane and Dickson, and referred, on motion of Mr. Guthrie to the committee on private bills.

Mr. Moore presented a bill to expedite legal process.

Mr. McLaughlin, a bill to amend an act passed in the year, 1829, entitled an act to authorise the Justices of the Peace of Irédell county, to purchase a tract of land for the purpose of erecting thereon a poor house, for the accommodation of the poor of said county and for other purposes. These bills were read the first time and passed.

The bill to establish a county by the name of Cleaveland was read the second time and passed.

The bill to incorporate the Little River Manufacturing Company, was taken up and considered, and on motion of Mr. Barringer, laid on the table.

On motion of Mr. C. Jones,

Resolved, That a message be sent to the Senate, proposing that the standing committees on education, of each House be made a joint committee.

On motion of Mr. McLaughlin,

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the expediency of passing a law increasing the penalty imposed upon persons voting or attempting to vote illegally in any election; and that the said committee be instructed to report by bill or otherwise.

On motion of Mr. Hawkins,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at half past ten o'clock to-morrow, go into an election of Colonel Commandant of Cavalry attached to the 16th brigade of the militia, and to supply the vacancy occasioned by the resignation of C. R. Eaton, and informing that Horace L. Robards is in nomination for the appointment.

Mr. Spruill presented the following resolution, which was read, and on Mr. Robards's motion, laid on the table:

Resolved, That a message be sent to the Senate, proposing that this General Assembly adjourn on the 24th of December.

Mr. H. C. Jones presented a memorial from John Lewis Beall, administrator of Peter Faust, asking payment of a certificate for forty pounds, granted by the State to said Peter Faust, in the year 1780.

Ordered, on motion of Mr. Jones, that the memorial and accompanying documents be referred to the committee on claims.

Mr. Guthrie presented a resolution in favor of James S. Smith; which was read the first time and passed, and referred to the committee on claims.

M. Fleming presented a bill concerning jurors in Yaney county; which was read the first time and passed.

Mr. Eaton presented a bill to provide for the more convenient administration of justice in the county of Warren; which was read the first time and passed.

Mr. Robards presented an account in favor of John J. Briggs, for certain work done by order of the Legislature; which was referred to the committee on claims.

Mr. F. Taylor introduced a bill concerning the collection of debts by the banks of this State; which was read the first time and passed.

Mr. Fleming introduced a petition from many citizens of the county of Yaney, praying Legislative action on their remote condition from market towns; which was referred to the committee on Internal Improvement.

Mr. Bryan introduced a bill in favor of poor debtors; which was read the first time and passed, and referred, on Mr. Bryan's motion, to the committee on the Judiciary.

Mr. J. Walker presented a bill to prevent the selling of unmatured crops; which was read the first time and passed,

and referred, on Mr. Boyden's motion, to the committee on the Judiciary.

The bill to provide for the more convenient administration of Justice in the county of Warren, was read the second and third times, amended, on motion of Mr. Patterson, and passed, and ordered to be engrossed.

The bill for the more convenient administration of justice in the county of Burke, was read the second and third times, passed, and ordered to be engrossed.

The Speaker appointed Messrs. Mendenhall and Reid, on behalf of the Commons, to form the joint select committee to superintend the making a list of votes given for Governor.

Mr. J. T. Miller presented a memorial from sundry citizens of the town of Wilmington, on the subject of the Inspection Laws.

Ordered, On motion of of Mr. Miller, that it be referred to the committee on propositions and grievances.

On motion of Mr. Barringer,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to inquire into the necessity of holding an extra session of the General Assembly, to legislate on the subject of the apportionment of the representation in the General Assembly, under the amended constitution of this State, and that they be instructed to report by resolution.

Mr. Patton presented a bill respecting the act relating to the public road in Buncombe county. Said bill was read the first and second times and passed.

The bill to fix the location of the town of Hendersonville, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that Mr. Spruill is appointed teller on the part of the Senate to make a list of votes given for Governor, under the joint order of the two Houses.

The bill altering and prescribing the times at which certain elections shall hereafter be held in this State, was taken up.

Mr. Winston withdrew the amendment heretofore proposed by him; and the question was on the passage of the bill the second reading.

Mr. Moore moved to strike out the words first Thursday in August, and insert the words last Thursday in Ju-

ly. The question on this amendment was decided in the negative—yeas 53, nays 55. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs.

Allen,	Hawkins,	McClenahan,
Baker,	Hill,	Neal,
Barringer	Hoke,	Paine,
Biggs,	Howerton,	Patterson,
Boyden,	Huggins,	Pemberton,
Brogden,	Jacobs,	Pope,
Brummell,	Jefferson,	Proctor,
Bryan,	Joiner,	Robards,
Burns,	H. C. Jones,	Russell,
Carson,	J. B. Jones,	Smith,
Eaton,	W. B. Lane,	J. W. Taylor,
Ennett,	Lilly,	F. Taylor,
Farrow,	E. P. Miller,	Thompson,
Foreman,	J. T. Miller,	Wadsworth,
Gee,	Monday,	J. O'K. Williams,
J. R. Gilliam,	Moore,	F. Williams,
Grandy,	McCleese,	Withers.
Gray,	J. P. Caldwell,	

Those who voted in the negative, were

Messrs.

Adams,	Holland,	McLaughlin,
Bannerman,	Holt,	McLaurin,
Beall,	C. Jones,	McMillan,
Boyd,	R. Jones,	Patton,
Brannock,	Keener,	Poindexter,
Brower,	Killian,	Powell,
G. W. Caldwell,	King,	Ragan,
Cardwell,	I. W. Lane,	Rand,
Chambers,	Mangum,	Siler,
Clegg,	Massey,	Sullivan,
J. W. Covington,	Mendenhall,	Stallings,
J. M. Covington,	W. J. T. Miller,	Tomlinson,
Davis,	Mills,	J. Walker,
Doak,	Morris,	L. Walker,
Franklin,	Morrow,	Whitehurst,

Graham,
Graves,
Guthrie,
Herring,

Munroe,
Murchison,
McCollum,

Wilson,
Young,
Ziglar.

The question again recurring on the passage of the bill the second reading, was decided in the affirmative.

Ordered, on motion of Mr. Guthrie, that the said bill be referred to the committee on the judiciary.

Received a message from the Senate, agreeing to the proposition of this House to vote again for Attorney General, and informing that Messrs. Faison and Pollock are appointed their superintendents of the voting.

Ordered, That Messrs. Thompson and Russell superintend said election on the part of the Commons.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,
Barringer,
Beall,
Boyden,
Brannock,
Brower,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. M. Covington,
Doak,
Farrow,
Fleming,
Franklin,
Graham,
Grandy,

Gray,
Guthrie,
Holt,
Huggins,
Hyman,
Jefferson,
Joiner,
H. C. Jones,
Keener,
King,
W. B. Lane,
Lilly,
W. J. T. Miller,
Mills,
Morris,
Munroe,
Murchison,
McCleese,
Allen,

McClenehan,
McCollum,
McLaughlin,
McLaurin,
McMillan,
Neal,
Patton,
Pemberton,
Poindexter,
Proctor,
Russell,
Siler,
J. W. Taylor,
Wadsworth,
Whitehurst,
F. Williams,
Withers,
Young.

FOR JOHN R. J. DANIEL,

MESSRS.

Baker,
Bannerman,

Graves,
Hawkins,

J. T. Miller,
Monday,

J. Barnes,	Herring,	Morrow,
E. Barnes,	Hoke,	Patterson,
Biggs,	Holland,	Powell,
Boyd,	Howerton,	Ragan,
G. W. Caldwell,	J. B. Jones,	Rand,
Cardwell,	R. Jones,	Stallings,
Chambers,	Kerr,	F. Taylor,
Davis,	Killian,	Tomlinson.
Dickson,	I. W. Lane,	J. Walker,
Eaton,	Mangum,	L. Walker,
Ennett,	Massey,	Ziglar.
Foreman,	Brogden,	

FOR JAMES IREDELL,

Messrs.

Speaker,	Mendenhall,	Smith,
J. W. Covington,	E. P. Miller,	Spruill,
Gee,	Moore,	Thompson,
J. R. Gilliam,	Paine,	J. O'K. Williams,
Guyther,	Pope,	Winston,
Jacobs,	Robards,	Wilson.
C. Jones.		

FOR BAT. F. MOORE,

Mr. Hill.

Mr. Thompson, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DEC. 4, 1840.

On motion of Mr. J. O'K. Williams,

Resolved, That the Committee on Education and the Literary Fund, be instructed to inquire into the expediency of amending the Common School law, passed at the last ses-

sion of the Legislature; and that they also inquire into the expediency of making a further appropriation, and report by bill or otherwise.

Mr. Wilson presented a petition from sundry eitizens of the county of Perquimons, praying that William Jackson, of said county, be restored to the rights of eitizenship; which was read and laid on the table.

Received from his Excellency, Governor Dudley, by his Private Secretary, a message transmitting a report from George E. Badger, Esq., on certain suits lately pending in the Cireuit and Superior Courts of the United States, in which the State of North Carolina is interested, and in which Mr. Badger appeared as council for the State.

Ordered, On motion of Mr. Hoke, that the message and report be sent to the Senate, with a proposition to refer them to a joint select committee of four on the part of each House.

On motion of Mr. Whitehurst,

Resolved, That so much of the message of the Governor as relates to a Rail Road from Raleigh to Waynesborough, be referred to the Committee on Internal Improvement, and that they report by bill or otherwise.

On motion of Mr. Cardwell,

Resolved, That the Committee on Public Buildings and rebuilding the Capitol, be instructed to report to this House all the fixtures and articles of furniture purchased on behalf of the State, for furnishing the Capitol, specifying each article, and the cost of the same.

Mr. J. B. Jones presented a petition from sundry eitizens of Currituck county, praying that a law be passed permitting them to fish and hunt on the unenelosed marshes of said county.

Ordered, That the petition be referred to the committee on Propositions and Grievances.

Mr. Mendenhall presented a memorial from the Raleigh and Gaston Rail Road Company, praying the aid of the Legislature; which was, on Mr. Mendenhall's motion, referred to the Committee on Internal Improvement.

Mr. Adams presented the following resolutions:

Whereas we believe from the political history of our country, that the term for which the Federal Executive is eligible, should be constitutionally defined: We, therefore, as the representatives of the free people of North Carolina, consider it our bounden duty to express our decided approbation of the following amendment of the Constitution of the United States.

Resolved, That the constitution of the United States be so amended that the President shall not be eligible more than four years in any term of eight years.

Resolved, That the Governor of the State be requested to forward a copy of the foregoing resolutions to each of our Senators in Congress, with a request that they lay the same before the Senate of the United States; and one to each of the Governors of the several States of the Union, with a request to lay the same before their respective Legislatures.

The foregoing resolutions were read, and on motion of Mr. Biggs, laid upon the table.

On motion of Mr. Patterson,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so altering or amending the law respecting vagrants; that hereafter white men shall not be sold; and that they report by bill or otherwise.

Mr. Boyd presented a memorial from a court martial of the militia officers of Rockingham county, praying the passage of a law that the people be compelled to muster six times in each and every year.

Ordered, on Mr. Boyd's motion, that it be referred to the committee on military affairs.

Mr. Hoke presented a bill declaring and explaining the law on the subject of gifts and settlements; which was read the first time and passed, and referred, on Mr. Hoke's motion, to the Committee on the Judiciary.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read, and on motion of Mr. Reid, laid on the table.

Received a message from the Senate, informing that they had passed the engrossed bill to prevent betting on elections; and the engrossed resolution in favor of Priscilla Goodwin; and asking the concurrence of the Commons.

The bill and resolution were each read the first time and passed.

The resignation of Christian Sink, a Justice of the Peace of the county of Davidson, was presented, read and accepted.

A message from the Senate, concurring in the proposition of this House to vote to-day for a Colonel of Cavalry attached to the 16th brigade of the militia, and informing that Messrs. Johnson and Kerr form their branch of the committee to superintend the election.

Ordered, That Messrs. Morris and Farrow form said committee on behalf of the Commons.

The House then voted as follows:

FOR HORACE L. ROBARDS,

MESSRS.

Speaker,	Guyther,	McCleese,
Adams,	Herring,	McClenehan,
Allen,	Hill,	McCollum,
Baker,	Hoke,	McLaurin,
Bannerman,	Holt,	McMillan,
J. Barnes,	Howerton,	Neal,
E. Barnes,	Huggins,	Paine,
Barringer,	Hyman,	Patton,
Beall,	Jacobs,	Patterson,
Biggs,	Jefferson,	Pemberton,
Boyd,	Joiner,	Poindexter,
Boyden,	H. C. Jones,	Proctor,
Brannock,	J. B. Jones,	Ragan,
Bryan,	Keener,	Reid,
J. P. Caldwell,	Kerr,	Russell,
Cardwell,	Killian,	Siler,
Carson,	King,	Smith,
Clegg,	I. W. Lane,	Spruill,
J. W. Covington,	W. B. Lane,	Stallings,
J. M. Covington,	Lilly,	J. W. Taylor,
Davis,	Mangum,	F. Taylor,
Doak,	Massey,	Thompson,
Eaton,	Mendenhall,	Tomlinson,
Ennett,	E. P. Miller,	Wadsworth,
Farrow,	J. T. Miller,	J. Walker,
Fleming,	W. J. T. Miller,	Whitehurst,
Foreman,	Mills,	J. O'K. Williams,
Brogden,	Brower,	Brummell,

Franklin,	Monday,	F. Williams,
Gee,	Moore,	Winston,
J. R. Gilliam,	Morris,	Wilson,
Graham,	Morrow,	Withers.
Grandy,	Munroe,	Young.
Gray,	Murchison,	

FOR T. W. OWEN,

Messrs.

G. W. Caldwell,	R. Jones,	Sullivan,
Chambers,	McLaughlin,	L. Walker.
Dickson,	Powell,	Ziglar.
Graves,		

Mr. Morris, from the committee raised to superintend this election, reported that Horace L. Robards had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Received a message from the Senate, proposing that another vote be had immediately for Attorney General.—The proposition was agreed to; and Messrs. Clegg and Killian appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Gaither and Reid form their branch of said committee.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Speaker,	Grandy,	McClenahan,
Adams,	Gray,	McCollum,
Allen,	Guthrie,	McLaughlin,
Barringer,	Holt,	McLaurin,
Beall,	Huggins,	McMillan,
Brannock,	Hyman,	Neal,
Brower,	Jefferson,	Patton,
Brummell,	Joiner,	Pemberton,
Bryan,	H. C. Jones,	Proctor,
Burns,	Keener.	Reid,
Carson,	King,	Robards,
Clegg,	W. B. Lane,	Russell,
J. M. Covington,	Lilly,	Siler,
J. W. Covington,	W. J. T. Miller,	J. W. Taylor,

Doak,
Farrow,
Fleming,
Franklin,
Graham,

Mills,
Morris,
Munroe,
Murchison,
McCleese,

Wadsworth,
Whitehurst,
F. Williams,
Withers,
Young.

FOR J. R. J. DANIEL,

Messrs.

Baker,
Bannerman,
E. Barnes,
J. Barnes,
Biggs,
Boyd,
Brogden,
G. W. Caldwell,
Cardwell,
Chambers,
Davis,
Dickson,
Eaton,
Ennett,

Foreman,
Graves,
Herring,
Hoke,
Holland,
Howerton,
J. B. Jones,
R. Jones,
Kerr,
Killian,
I. W. Lane,
Mangum,
Massey,

J. T. Miller,
Munday,
Morrow,
Patterson,
Powell,
Ragan,
Sullivan,
Stallings,
F. Taylor,
Tomlinson,
J. Walker,
L. Walker,
Ziglar.

FOR JAMES IREDELL,

Messrs.

Boyden,
J. P. Caldwell,
Gee,
Gilliam,
Guyther,
Jacobs,

C. Jones,
Mendenhall,
E. P. Miller,
Moore,
Paine,
Poindexfer,

Pope,
Smith,
Thompson,
J. O'K. Williams,
Winston,
Wilson.

FOR B. F. MOORE,

Mr. F. Hill.

Mr. Clegg, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message was now sent to the Senate, informing of the readiness of this House to receive that body in the hall of

the Commons for the purpose of examining and comparing the returns of the votes given by the people at the last election for Governor of the State, according to the joint order of the two Houses.

The two Houses thereupon assembled in General Convention in the Commons Hall, Mr. Speaker Joiner, of the Senate, in the chair, and the Clerks of the two Houses, in presence of the Tellers, viz, H. G. Spruill, of the Senate, and Messrs. Mondenhall and Reid, of the Commons, proceeded to examine the several returns of the sheriffs, and to declare the number of votes given in the several counties of the State, as follows:

	<i>For John M. Morehead.</i>	<i>R. M. Saunders.</i>
Anson,	1,100	422
Ashe,	501	534
Beaufort,	846	363
Bertie,	483	468
Bladen,	329	451
Brunswick,	352	247
Buncombe,	1335	547
Burke,	1555	367
Cabarrus,	840	395
Camden,	520	91
Carteret,	442	287
Caswell,	270	1137
Chatham,	1075	603
Cherokee,	292	130
Chowan,	292	203
Columbus,	242	288
Craven,	671	643
Cumberland,	621	952
Currituck,	90	000
Davidson,	1409	470
Duplin,	234	766
Edgecomb,	111	1298
Franklin,	383	636
Gates,	381	392
Granville,	873	760
Greene,	308	258
Guilford,	2211	469
Halifax,	622	446
Haywood,	438	242
Hertford,	394	231
Hyde,	485	179

Iredell,	1668	331
Johnston,	569	617
Jones,	212	121
Lenoir,	264	386
Lincoln,	933	2056
Macon,	433	203
Martin,	244	574
Mecklenburg,	984	1201
Montgomery,	1102	139
Moore,	560	517
Nash,	73	782
New Hanover,	200	899
Northampton,	543	519
Onslow,	150	683
Orange,	1662	1549
Pasquotank,	660	222
Perquimons,	494	124
Person,	274	553
Pitt,	625	519
Randolph,	1287	346
Richmond,	672	79
Robeson,	601	568
Rockingham,	533	1000
Rowan & Davie,	1622	875
Rutherford,	1652	546
Sampson,	472	723
Stokes,	1163	1190
Surry,	1130	984
Tyrrell,	422	44
Wake,	1030	1157
Warren,	88	705
Washington,	379	95
Wayne,	262	777
Wilkes,	1424	128
Yancy,	392	417

44,484	35,903
Majority for Morehead,	8,581.

Whereupon, the President of the General Convention, announced the result as follows:

Gentlemen of the Senate

and of the House of Commons:

The returns of votes given at the late election for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly.

The tellers appointed by both Houses to examine the returns and make a list of the votes, have reported that forty four thousand four hundred and eighty-four votes were given for John M. Morehead, of the county of Guilford, being the highest number given for any person; that thirty-five thousand nine hundred and three votes were given for Romulus M. Saunders, and that five hundred and twenty-five votes were given in the county of Currituck, for *R. M. Sanderson*.

No objection having been made to the said report, I declare that John M. Morehead, is duly elected Governor of the State of North Carolina, for two years from the first of January next.

A. JOYNER.

4th December, 1840.

The Senators having withdrawn, the Speaker of the House of Commons resumed the chair, and the House then adjourned until to-morrow morning, ten o'clock.

SATURDAY, DEC. 5, 1840.

Mr. Siler presented a bill giving to the County Court of Cherokee jurisdiction over the State roads in said county: which was read the first time and passed.

Mr. Winston, from the committee on the judiciary, to whom the subject was referred, reported a bill providing for restoring to the rights of citizenship persons convicted of infamous crimes; which was read the first time and passed.

On motion of Mr. Fleming,

Resolved, That the committee on education, be instructed to enquire into the expediency of dividing the annual income of the Literary Fund among the several counties in this State, in proportion to their federal population—and that they report by bill or otherwise.

On motion of Mr. Graves,

Resolved, That the committee on the judiciary be instructed to inquire whether or not the law of usury of this State needs amendment—and that they report by bill or otherwise.

Mr. Young presented a petition from sundry citizens of the counties of Iredell, Mecklenburg and Lincoln, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of Graham; which was read the first time and passed, and referred, on motion of Mr. Young, to the committee on propositions and grievances.

Mr. Winston, from the committee on the judiciary, to whom was referred the bill authorising the Governor to appoint an agent in the county of Macon or Cherokee, reported the same with sundry amendments; which were read and concurred in.

The bill was further amended, on motion of Mr. H. C. Jones, by adding the following provision.

Provided, That at no time shall the said agent hold in his hands bonds to the amount beyond the penalty of his bond.

On motion of Mr. Siler, the bill was further amended by striking out fifty thousand, and inserting one hundred thousand, as the penalty of the agent's bond.

The question shall the said bill pass the second reading as amended? was decided in the affirmative—yeas 83—nays 27. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

MESSRS.

Allen,
Baker,
Bannerman,
J. Barnes,
E. Barnes,

J. R. Gilliam,
Graham,
Gray,
Guthrie,
Guyther,

Murchison,
McCleese,
McClenehan,
McCollum,
McMillan,

Barringer,	Hill,	Neal,
Beall,	Hoke,	Paine,
Biggs,	Holt,	Patton,
Boyd,	Howerton,	Patterson,
Boyden,	Huggins,	Pemberton,
Brannock,	Hyman,	Poindexter,
Brower,	Jacobs,	Pope,
Brummell,	Jefferson,	Proctor,
Bryan,	Joiner,	Rand,
Burns,	H. C. Jones,	Siler,
Carson,	J. B. Jones,	Smith,
Clegg,	Keener,	Spruill,
J. M. Covington,	King,	J. W. Taylor,
J. W. Covington,	W. B. Lane,	F. Taylor,
Doak,	Lilly,	Thompson,
Dickson,	Mendenhall,	Wadsworth,
Eaton,	E. P. Miller,	Whitehurst,
Ennet,	J. T. Miller,	J. O'K. Williams,
Farrow,	W. J. T. Miller,	F. Williams,
Fleming,	Mills,	Winston,
Foreman,	Moore,	Wilson,
Franklin,	Morris,	Withers,
Gee,		Young.

Those who voted in the negative, were

Messrs.

Brogden,	Kerr,	McLaurin,
J. P. Caldwell,	Killian,	Powell,
G. W. Caldwell,	I. W. Lane,	Ragan,
Cardwell,	Mangum,	Reid,
Chambers,	Massey,	Sullivan,
Grandy,	Munday,	Stallings,
Graves,	Morrow,	L. Walker,
Holland,	Munroe,	J. Walker,
R. Jones,	McLaughlin,	Ziglar.

On motion of Mr. Spruill,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote again immediately for Attorney General.

A message from the Senate, concurring in this proposition, and informing that Messrs. Mitchell and Arrington form their branch of the committee to conduct this election.

Ordered, That Messrs. J. O'K. Williams and Brannock form said committee on the part of the Commons.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,	Holt,	McLaughlin,
Allen,	Huggins,	McLaurin,
Barringer,	Hyman,	McMillan,
Beall,	Jefferson,	Neal,
Brower,	Joiner,	Patton,
Brummell,	Keener,	Pemberton,
Bryan,	King,	Poindexter,
J. P. Caldwell,	W. B. Lane,	Proctor,
Carson,	Lilly,	Reid,
Clegg,	W. J. T. Miller,	Siler,
J. M. Covington,	Mills,	J. W. Taylor,
J. W. Covington,	Morris,	Wadsworth,
Doak,	Munroe,	Whitehurst,
Fleming,	Marchison,	J. O'K. Williams
Franklin,	McCleese,	F. Williams,
Graham,	McClenahan,	Withers,
Grandy,	McCollum,	Young,
Gray,		

FOR JOHN R. J. DANIEL,

Messrs.

Baker,	Foreman,	Morrow.
Bannerman,	Herring,	Patterson,
J. Barnes,	Hoke,	Powell,
E. Barnes,	Holland,	Ragan,
Biggs,	Howerton,	Rand,
Boyd,	J. B. Jones,	Sullivan,
Brogden,	R. Jones,	Stallings,
G. W. Caldwell,	Kerr,	F. Taylor,
Cardwell,	Killian,	Tomlinson,
Chambers,	I. W. Lane,	L. Walker,
Davis,	Mangum,	J. Walker,
Dickson,	Massey,	Ziglar.
Eaton,	J. T. Miller,	
Ennett,	Monday,	

FOR JAMES IREDELL,

Messrs.

Boyden,	C. Jones,	Smith,
Brannock,	Mendenhall,	Spruill,

Gee,	E. P. Miller,	Thompson,
J. R. Gilliam,	Moore,	Wilson,
Guyther,	Pope,	Winston.
Jacobs,	Paine,	

FOR BAT. F. MOORE,

Messrs.

Speaker,	Hill,	H. C. Jones,
Burns,		

Mr. J. O'K. Williams, from the committee raised on the subject, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to repeal an act entitled an act concerning the processioning of lands, and the bill to lay off and establish a county by the name of Union, were read the second time and passed.

The resolution directing the employment of a small boy as messenger to the House of Commons, was read, and on motion of Mr. Cardwell, indefinitely postponed.

The engrossed bill to locate the Judges of the Superior Courts within the several Judicial Circuits was, on motion of Mr. J. P. Caldwell, made the order of the day for Monday next.

The engrossed bill to prevent the cutting of timber into the rivers of Cherokee county, was read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to purchase a Library; which was read the first time and passed.

A message from the Senate, proposing that a Joint Select Committee of one on the part of the Senate, and two on the part of the Commons, be appointed to inform John M. Morehead of his election as Governor of the State for two years from the first of January next; and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly and take the oaths of office.

The proposition was agreed to, and Messrs. Brummell and C. Jones were appointed the committee on the part of this House.

A message from the Senate, proposing to refer to a joint select committee of three on the part of each House, a letter from the Hon. William Gaston, therewith trans-

mitted, upon the subject of repairing the statue of Washington.

The proposition was concurred in, and Messrs. H. C. Jones, Guthrie and Proctor appointed said committee on the part of the Commons.

The bill to change the time of holding Courts of Pleas and Quarter Sessions of Camden county, was read the second time and passed.

The bill regulating the number of jurors in the Superior Courts of Burke county was read, and on motion of Mr. Neal, laid on the table.

The bill to secure to the free white men of the State the right of voting for the Representatives in the Senate of the General Assembly, was read, and on motion of Mr. G. W. Caldwell, laid on the table.

The bill authorising the several county courts to provide for compensation to the Wardens of the poor, was read the second time.

Mr. Paine moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 34, nays 71. The yeas and nays demanded by Mr. Paine.

Those who voted in the affirmative, were

Messrs.

Adams,	Gnyther,	McLaughlin,
Bannerman,	Hill,	McLaurin,
Bryan,	Hoke,	Paine,
G. W. Caldwell,	Huggins,	Powell,
Chambers,	C. Jones,	Ragan,
Davis,	R. Jones,	Sullivan,
Dickson,	Kerr,	Stallings,
Eaton,	Mangum,	Wadsworth,
Ennett,	Massey,	J. Walker,
J. R. Gilliam,	E. P. Miller,	L. Walker,
Grandy,	J. T. Miller,	J. O'K. Williams.
Graves,		

Those who voted in the negative, were

Messrs.

Allen,	Gee,	Morrow,
Baker,	Graham,	Munroe,
J. Barnes,	Guthrie,	Murchison,
E. Barnes,	Herring,	McCleese,

Barringer	Holland,	McClenehan,
Biggs,	Holt,	McCo'lum,
Beall,	Howerton,	McMillan,
Boyd,	Hyman,	Neal,
Boyden,	Jacobs,	Patton,
Brogden,	Jefferson,	Patterson,
Brannock,	Joiner,	Poindexter,
Brower,	H. C. Jones,	Rand,
Brummell,	J. B. Jones,	Reid,
Burns,	Keener,	Siler,
J. P. Caldwell,	Killian,	J. W. Taylor,
Cardwell,	King,	F. Taylor,
Carson,	W. B. Lane,	Thompson,
Clegg,	I. W. Lane,	Whitehurst,
J. W. Covington,	Mendenhall,	F. Williams,
J. M. Covington,	W. J. T. Miller,	Withers,
Doak,	Mills,	Wilson,
Fleming,	Monday,	Young,
Foreman,	Moore,	Ziglar.
Franklin,	Morris,	

The question shall the said bill pass the second reading, was determined in the affirmative.

The bill to lay off and establish a county by the name of Stanly, was read the third time, and the question shall the said bill pass the third reading, was determined in the affirmative—yeas 62—nays 46.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hoke,	McCollum,
Beall,	Holland,	McLaughlin,
Boyden,	Holt,	McLaurin,
Brower,	Huggins,	McMillan,
Brummell,	Jefferson,	Neal,
Bryan,	H. C. Jones,	Paine,
Burns,	Keener,	Patton,
J. P. Caldwell,	Killain,	Pemberton,
G. W. Caldwell,	King,	Poindexter,
Carson,	W. B. Lane,	Rand,
Chambers,	Lilly,	Reid,
Clegg,	Mendenhall,	Siler,
J. W. Covington,	E. P. Miller,	J. Walker,
J. M. Covington,	W. J. T. Miller,	Whitehurst,

Doak,	Mills,	F. Williams,
Fleming,	Monday,	Winston,
Franklin,	Morris,	Wilson,
Graham,	Morrow,	Withers,
Gray,	Munroe,	Young,
Guthrie,	Murchison,	Ziglar.
Hill,	McClenehan,	

Those who voted in negative, were

Messrs.

Adams,	Grandy,	McCleese,
Allen,	Graves,	Patterson,
Baker,	Guyther,	Pope,
Bannerman,	Howerton,	Powell,
J. Barnes,	Hyman,	Proctor,
Biggs,	Joiner,	Ragan,
Boyd,	J. B. Jones,	Smith,
Brannock,	C. Jones,	Spruill,
Brogden,	R. Jones,	Sullivan,
Cardwell,	Kerr,	Stallings,
Davis,	I. W. Lane,	J. W. Taylor,
Dickson,	Mangum,	F. Taylor,
Eaton,	Massey,	Tomlinson,
Ennett,	J. T. Miller,	L. Walker,
Foreman,	Moore,	J. O'K. Williams.
J. R. Gilliam,		

Ordered, That said bill be engrossed.

The bill to establish a county by the name of Cleveland, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 58, nays 51. Yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	Munroe,
Beall,	Hill,	McClenehan,
Boyden,	Hoke,	McCollum,
Brower,	Holland,	McLaughlin,
Brummell,	Holt,	McLaurin,
Bryan,	Jefferson,	McMillan,
J. P. Caldwell,	H. C. Jones,	Neal,

G. W. Caldwell,	C. Jones,	Patton,
Cardwell,	Keener,	Pemberton,
Carson,	Killian,	Poindexter,
Chambers,	King,	Reid,
Clegg,	Lilly,	Siler,
J. W. Covington,	E. P. Miller,	J. Walker,
J. M. Covington,	W. J. T. Miller,	F. Williams,
Doak,	Mills,	Winston,
Fleming,	Monday,	Withers,
Franklin,	Morris,	Young,
Graham,	Morrow,	Ziglar.
Gray,		

Those who voted in the negative, were

Messrs.

Adams,	J. R. Gilliam,	Powell,
Allen,	Grandy,	Proctor,
Baker,	Graves,	Ragan,
Bannerman,	Herring,	Rand,
J. Barnes,	Howerton,	Smith,
E. Barnes,	Huggins,	Spruill,
Biggs,	Jacobs,	Sullivan,
Boyd,	Joiner,	Stallings,
Brannock,	J. B. Jones,	J. W. Taylor,
Brogden,	R. Jones,	F. Taylor,
Burns,	Kerr,	Tompson,
Davis,	I. W. Lane,	Tomlinson,
Dickson,	Massey,	Wadsworth,
Eaton,	J. T. Miller,	L. Walker,
Ennett,	Moore,	Whitehurst,
Foreman,	Patterson,	J. O'K. Williams,
Gee,	Pope,	Wilson.

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Caldwell, was read the second time and rejected—yeas 42, noes 67. The yeas and nays demanded by Mr. Sullivan.

Those who voted in the affirmative, were

Messrs.

Barringer,	Jefferson,	McLaurin,
Boyden,	Keener,	McMillan,

Brower,	Killian,	Neal,
Brummell,	King,	Paine,
J. P. Caldwell,	W. B. Lane,	Patton,
G. W. Caldwell,	Lilly,	Pemberton,
Carson,	E. P. Miller,	Poindexter,
J. W. Covington,	W. J. T. Miller,	Reid,
Fleming,	Mills,	Siler,
Franklin,	Morris,	J. Walker,
Graham,	Morrow,	Whitehurst,
Hill,	McClenehan,	F. Williams,
Holland,	McCollum,	Winston,
Holt,	McLaughlin,	Young.

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Moore,
Allen,	Graves,	Munroe,
Baker,	Gray,	McCleese,
Bannerman,	Guthrie,	Patterson,
J. Barnes,	Guyther,	Pope,
E. Barnes,	Herring,	Powell,
Biggs,	Hoke,	Proctor,
Boyd,	Howerton,	Ragan,
Brannock,	Huggins,	Rand,
Brogden,	Hyman,	Smith,
Burns,	Jacobs,	Spruill,
Cardwell,	Joiner,	Sullivan,
Chambers,	J. B. Jones,	Stallings,
Clegg,	C. Jones,	F. Taylor,
J. M. Covington,	R. Jones,	Tomlinson,
Davis,	Kerr,	Thompson,
Dickson,	I. W. Lane,	Wadsworth,
Doak,	Mangum,	L. Walker,
Eaton,	Massey,	J. O'K. Williams,
Ennett,	Mendenhall,	Wilson,
Foreman,	J. T. Miller,	Withers,
Gee,	Monday,	Ziglar.
Gilliam,		

Received a message from the Senate, proposing that the two Houses vote again immediately for Attorney General. The proposition was agreed to, and Messrs J. W. Covington and Herring appointed a committee to superintend the voting.

A message from the Senate, informing that Messrs. Speed and Hill form said committee on their part.

The House then proceeded to vote as follows:

FOR HUGH McQUEEN,

MESSRS.

Adams,	Gray,	McCollum,
Allen,	Holt,	McLaughlin,
Barringer,	Huggins,	McLaughrin,
Beall,	Hyman,	McMillan,
Brower,	Jefferson,	Neal,
Brummell,	Joiner,	Patton,
Bryan,	King,	Pemberton,
Carson,	W. B. Lane,	Poindexter,
Clegg,	Lilly,	Reid,
J. W. Covington,	W. J. T. Miller,	Siler,
J. M. Covington,	Mills,	J. W. Taylor,
Doak,	Morris,	Whitehurst,
Farrow,	Munroe,	J. O'K. Williams,
Fleming,	Murchison,	F. Williams,
Franklin,	McCleese,	Withers,
Graham,	McClenehan,	Young.
Grandy,		

FOR JOHN R. J. DANIEL,

MESSRS.

Baker,	Foreman,	J. T. Miller.
Bannerman,	Graves,	Monday,
J. Barnes,	Guthrie,	Morrow,
E. Barnes,	Herring,	Powell,
Biggs,	Hoke,	Patterson,
Boyd,	Holland,	Ragan,
Brogden,	Howerton,	Rand,
J. P. Caldwell,	J. B. Jones,	Sullivan,
G. W. Caldwell,	R. Jones,	Stallings,
Cardwell,	Keener,	F. Taylor,
Chambers,	Kerr,	Tomlinson,
Davis,	Killian,	Wadsworth,
Dickson,	I. W. Lane,	L. Walker,
Eaton,	Mangum,	J. Walker,
Ennett,	Massey,	Ziglar.

FOR JAMES IREDELL,

Messrs.

Brannock,	Mendenhall,	Spruill,
Gee,	E. P. Miller,	Thompson,
J. R. Gilliam,	Moore,	Smith,
Guyther,	Paine,	Wilson,
Jacobs,	Pope,	Winston.
C. Jones.	Proctor,	

FOR B. F. MOORE,

Messrs.

Speaker,	Burns,	H. C. Jones.
Boyden,	Hill,	

Mr. J. W. Covington, from the committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The House then adjourned until Monday morning 10 o'clock.

 MONDAY, DEC. 7, 1840.

Mr. Boyden introduced a bill for the establishment and better regulation of Common Schools; which was read the first time and passed.

James Graham, the member elect from the county of Orange, to fill the vacancy occasioned by the resignation of William A. Graham, appeared, exhibited his credentials, and was qualified according to law.

Received a message from the Senate, concurring in the proposition of this House, that the Standing Committees of the two Houses on Education, be made a joint committee.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee.

A bill to incorporate the Concord Manufacturing Company.

And a bill to compel militia officers to hold their commissions three years; and asking the concurrence of this House.

The said bills were read the first time and passed.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of five on the part of each House, to inquire into the necessity of holding an extra session of the Legislature, and informing that Messrs. Shepard, Orr, Dockery, Clingman and Pasteur constitute their branch of said committee.

Ordered, That Messrs. Barringer, Graves, Hyman, Thompson and Spruill form said committee on the part of this House.

A message from the Senate, informing that Mr. Spruill is appointed on behalf of the Senate to join the committee on the part of the Commons, to inform John M. Morehead of his election as Governor of the State.

The Speaker laid before the House statements made by the Bank of the State of N. C. and by the Bank of Cape Fear, exhibiting the state and condition of those institutions, in pursuance of the requisitions of their respective charters.

Ordered, That these exhibits be sent to the Senate, and be printed and referred to the Joint Select Committee on Banks.

Mr. McClenahan presented a petition from Lunsford Lane, a man of color, together with a petition from sundry citizens of Raleigh in his behalf, praying an amelioration in his favor of the laws regulating free negroes and slaves.

Ordered, on motion of Mr. McClenahan, that these papers be referred to the Committee on Propositions and Grievances.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of providing that a record be made of the appointment and qualification of deputy sheriffs, reported that it is not expedient to legislate as proposed, and asked to be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Hoke,

The question by which the bill to lay off and establish

a county by the name of Caldwell, was, on Saturday last rejected, was now re-considered, and on motion of Mr. E. P. Miller,

Ordered, That the said bill be made the order of the day for Friday next.

Mr. Wadsworth presented a bill to regulate the measurement of ton and square timber and saw-mill lumber; which was read the first time and passed, and on motion of Mr. Wadsworth, referred to the committee on propositions and grievances.

Mr. Siler presented a memorial from the board of superintendents of Common Schools, for Macon county; which was, on motion of Mr. Siler, referred to the committee on education.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the bill to lay off and establish a county by the name of McDowell.

Said bill was, on motion of Mr. Neal, made the order of the day for Thursday next.

The resolution in favor of Sam'l Terry, sheriff of Richmond county, was read the third time, passed, and ordered to be engrossed.

The bill concerning pilots and commissioners of navigation for Cape Fear river, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 74—nays 32.

The yeas and nays demanded by Mr. Kerr.

Those who voted in the affirmative, were

MESSRS.

Adams,	Gray,	McCollum,
Allen,	Guyther,	McLaughlin,
Barringer,	Hill,	McLaurin,
Beall,	Holt,	McMillan,
Biggs,	Huggins,	Paine,
Boyden,	Hyman,	Patton,
Brannock,	Jacobs,	Pemberton,
Brower,	Jefferson,	Poindexter,
Bryan,	Joiner,	Pope,
Burns,	H. C. Jones,	Proctor,
J. P. Caldwell,	J. B. Jones,	Reid,
Chambers,	C. Jones,	Siler,
Clegg,	Keener,	Smith,
J. M. Covington,	King,	Spruill,

Doak,	W. B. Lane,	J. W. Taylor,
Eaton,	Mendenhall,	Thompson,
Farrow,	E. P. Miller.	Wadsworth,
Fleming,	W. J. T. Miller,	J. O'K. Williams,
Foreman,	Mills,	Whitehurst,
Franklin,	Monday,	F. Williams,
Gee,	Moore,	Wilson,
Gilliam,	Morris,	Withers,
D. A. Graham,	Murchison,	Young,
J. Graham,	McCleese,	Ziglar.
Grandy,	McClenehan,	

Those who voted in the negative, were

Messrs.

Baker,	Herring,	Neal,
Bannerman,	Hoke,	Patterson,
J. Barnes,	Holland,	Powell,
Boyd,	Howerton,	Ragan,
Brogden,	R. Jones,	Rand,
G. W. Caldwell,	Kerr,	Sullivan,
Cardwell,	I. W. Lane,	Stallings,
Davis,	Massey,	F. Taylor,
Dickson,	J. T. Miller,	L. Walker,
Ennett,	Morrow,	J. Walker.
Graves,	Munroe,	

Ordered, That said bill be engrossed.

The bill to incorporate Little River Manufacturing Company, was taken up and considered, and after discussion, on motion of Mr. Boyden, laid upon the table.

The House then adjourned until to-morrow morning, ten o'clock.

TUESDAY, DEC. 8, 1840.

On motion of Mr. Hoke,

Resolved, That a message be sent to the Senate, proposing to authorize the chairman of the joint select committee on the banks of the State, to employ a Secretary.

Mr. Poindexter, from the committee on claims, reported the resolution in favor of the executors of Beverly Daniel, without amendment, when the said resolution was read the second time and passed.

Mr. Poindexter, from the same committee, reported unfavorably on the resolution in favor of Jas. S. Smith, when, on motion of Mr. J. P. Caldwell, the said resolution was laid upon the table.

On motion of Mr. Mendenhall,

Ordered, That the bill for the establishment and better regulation of common schools, yesterday introduced by Mr. Boyden, be printed.

Mr. J. P. Caldwell presented a petition from sundry citizens of Iredell county, suggesting that the road laws are defective, and require amendment.

Ordered, On Mr. Caldwell's motion, that it be referred to the Committee on Internal Improvement.

Mr. Mills introduced a bill to authorize the laying off and establishing a Turnpike Road from Laxton Linch's, in Rutherford county, to the Widow Sails's, in Buncombe county. The said bill was read the first time and passed, and, on motion of Mr. Mills, referred to the Committee on Internal Improvement.

The bill authorizing the Governor to appoint an agent in the county of Macon or Cherokee, was read the third time.

Mr. F. Taylor moved to amend the bill by striking out the word 3 per cent. as the compensation to the agents, and insert $2\frac{1}{2}$ per cent. The question then was decided in the negative—yeas 43, nays 69. The yeas and nays demanded by Mr. Jones.

Those who voted in the affirmative, were

Messrs.

Baker,	Hawkins,	Morrow.
Bannerman,	Herring,	Munroe,
J. Barnes,	Holland,	Patterson,
E. Barnes,	Howerton,	Powell,
Boyd,	H. C. Jones,	Ragan,
Brogden,	J. B. Jones,	Rand,
G. W. Caldwell,	Jefferson,	Reid,
Cardwell,	R. Jones,	Sullivan,
Chambers,	Kerr,	Stallings,
Dickson,	Killian,	F. Taylor,

Ennett,	I. W. Lane,	Tomlinson,
Grandy,	Mangum,	L. Walker,
Graves,	Massey,	J. Walker,
Guthrie,	J. T. Miller,	Ziglar.
Guyther,		

Those who voted in the negative, were

Messrs.

Adams,	D. A. Graham,	McLaurin,
Allen,	J. Graham,	McMillan,
Barringer,	Gray,	Paine,
Beall,	Hill,	Patton,
Biggs,	Holt,	Pemberton,
Boyden,	Huggins,	Poindexter,
Brannock,	Hyman,	Pope,
Brower,	Jacobs,	Proctor,
Brummell,	Joiner,	Robards,
Bryan,	Keener,	Russell,
Burns,	King,	Siler,
J. P. Caldwell,	Lilly,	Smith,
Carson,	Mendenhall,	Spruill,
Clegg,	W. J. T. Miller,	J. W. Taylor,
J. W. Covington,	Mills,	Thompson,
J. M. Covington,	Monday,	Wadsworth,
Doak,	Moore,	Whitehurst,
Eaton,	Morris,	J. O'K. Williams
Farrow,	Murchison,	F. Williams,
Foreman,	McCleese,	Winston,
Franklin,	McClenehan,	Wilson,
Gee,	McCollum,	Withers,
Gilliam,	McLaughlin,	Young,

Mr. Brogden moved to amend the bill so as to exclude the reception of the notes of Georgia banks, in payment of Cherokee bonds; the question thereon was determined in the negative.

Mr. Guthrie moved that the said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 48, nays 68. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Adams,	Graves,	Morrow,
Baker,	Guthrie,	Munroe,

Bannerman,	Hawkins,	McClcese,
J. Barnes,	Herring,	McLaurin,
E. Barnes,	Holland,	Powell,
Biggs,	Howerton,	Ragan,
Boyd,	Jefferson,	Rand,
Blodgen,	J. B. Jones,	Reid,
G. W. Caldwell,	C. Jones,	Sullivan,
Cardwell,	R. Jones,	Stallings,
Chambers,	Kerr,	F. Taylor,
Davis,	Killian,	Tomlinson,
Dickson,	I. W. Lane,	L. Walker.
Ennett,	Mangum,	J. Walker,
Farrow,	Massey,	Ziglar.
Fleming,	J. T. Miller,	
Grandy,	Munday,	

Those who voted in the negative, were

Messrs.

Allen,	Guyther,	Neal,
Barringer,	Hill,	Paine,
Beall,	Hoke,	Patton,
Boyd,	Holt,	Patterson,
Brannock,	Huggins,	Penberton,
Brower,	Hyman,	Poindexter,
Brummell,	Jacobs,	Pope,
Bryan,	Joiner,	Robards,
Burns,	H. C. Jones,	Russell,
J. P. Caldwell,	Keener,	Siler,
Carson,	King,	Smith,
Clegg,	Lilly,	Spruill,
J. W. Covington,	Mendenhall,	Thompson,
J. M. Covington,	E. P. Miller,	Wadsworth,
Doak,	W. J. T. Miller,	Whitehurst,
Eaton,	Mills,	J. O'K. Williams,
Foreman,	Moore,	F. Williams,
Franklin,	Morris,	Winston,
Gee,	Murchison,	Wilson,
Gilliam,	McClenehan,	Withers,
D. A. Graham,	McCollum,	Young.
J. Graham,	McLaughlin,	
Gray,	McMillan,	

The question, shall the said bill pass the third reading? was determined in the affirmative—yeas 62, nays 51. The yeas and nays demanded by Mr. R. Jones.

Those who voted in the affirmative, were

Messrs.

Allen,	Gray,	McMillan,
Barringer,	Hill,	Neal,
Boyden,	Holt,	Patton,
Brannock,	Huggins,	Patterson,
Brower,	Hyman,	Pemberton,
Brummell,	Jacobs,	Poindexter,
Bryan,	Joiner,	Pope,
Burns,	H. C. Jones,	Proctor,
J. P. Caldwell,	Keener,	Robards,
Carson,	King,	Russell,
Clegg,	Lilly,	Siler,
J. M. Covington,	Mendenhall,	Thompson,
J. W. Covington,	E. P. Miller,	Wadsworth,
Doak,	W. J. T. Miller,	Whitehurst,
Eaton,	Mills,	J. O'K. Williams,
Fleming,	Moore,	F. Williams,
Franklin,	Morris,	Winston,
Foreman,	Murchison,	Wilson,
Gee,	McClenahan,	Withers,
J. R. Gilliam,	McCollum,	Young.
J. Graham,	McLaughlin,	

Those who voted in the negative. were

Messrs.

Adams,	Graves,	Monday,
Baker,	Guthrie,	Morrow,
Bannerman,	Gnyther,	Munroe,
E. Barnes,	Hawkins,	McCleese,
J. Barnes,	Herring,	McLaurin,
Biggs,	Holland,	Powell,
Boyd,	Howerton,	Ragan,
Brogden,	Jefferson,	Rand,
G. W. Caldwell,	J. B. Jones,	Reid,
Cardwell,	C. Jones,	Smith,
Chambers,	R. Jones,	Sullivan,
Davis,	Kerr,	Stallings,
Dickson,	Killian,	F. Taylor,
Ennett,	I. W. Lane,	Tomlinson,
Farrow,	Mangum,	J. Walker.
D. A. Graham,	Massey,	L. Walker,
Grandy,	J. T. Miller,	Ziglar.

Ordered, That said bill be engrossed.

The resignation of William Robards, as Trustee of the University of North Carolina, was presented, read and accepted.

Mr. Mills, from the Committee on Private Bills, reported without amendment the bill to amend an act entitled an act to amend an act passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; when the said bill was read the second time and passed.

Mr. Barringer presented a bill to amend the Revised Statutes, entitled an act concerning sheriffs; which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Brummell, from the Joint Select Committee raised for the purpose, reported that, after a conference with the Hon. John M. Morehead, he was instructed to say that he would, on the first day of January next, attend the two Houses of the Assembly, and take the oaths prescribed for the qualification of Chief Executive Magistrate of the State.

Mr. Fleming introduced a bill to amend an act passed in the year 1833, for laying off a road from Burnsville; Yancey county, to the Tennessee line; and Mr. Brummell a bill to authorise the construction of the Fayetteville and Salisbury Turnpike Roads. These bills were read the first time and passed.

On motion of Mr. Guyther,

Resolved, That the Committee on Public Buildings be instructed to make a report of all the appropriations and expenditures since the year 1832; and be further instructed to designate the appropriations and expenditures for each year.

On motion of Mr. Beall,

Ordered, That the bill for the establishment and better regulation of Common Schools, yesterday introduced by Mr. Boyden, be referred to the Committee on Education.

On motion of Mr. Withers,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing the pub-

lic execution of criminals in capital cases; also, to inquire into the expediency of preventing by law the public infliction of corporal punishment; and that they report by bill or otherwise.

Mr. J. T. Miller presented a memorial from the officers of the 30th regiment of militia, praying that laws be passed to improve the condition of the militia of the State; which, on Mr. Miller's motion, was referred to the Committee on Military Affairs.

On motion of Mr. J. B. Jones,

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of providing that the cavalry companies be furnished with swords and pistols at the expense of the State.

Mr. Murchison introduced a bill to regulate the time of holding the Superior Court of Moore at its next ensuing term. Said bill was read the first time and passed, and on Mr. Murchison's motion, referred to the Committee on the Judiciary.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend an act entitled an act to amend the 58th chapter of the Revised Statutes, entitled Insolvent Debtors; which was read the first time and passed.

Mr. Winston introduced a bill to amend the Revised Statutes, entitled an act for the prevention of frauds and fraudulent conveyances, and to repeal the third section thereof; which was read the first time and passed, and referred, on Mr. Winston's motion, to the Committee on the Judiciary.

A bill repealing the act relating to the public roads in Buncombe county; and the bill to amend an act entitled an act to authorise A. R. S. Hunter, of Cherokee county, to remove his bridge, passed at the session 1838, were each read the third time, passed and ordered to be engrossed.

The bill to locate the Judges of the Superior Courts within the several Judicial Circuits, was, on motion of Mr. H. C. Jones, made the order of the day for to-morrow.

Mr. Holland presented the following resolution; which was read and laid upon the table:

Resolved, That this House hold evening sessions from and after Monday next.

The House then adjourned until to-morrow morning ten o'clock.

WEDNESDAY, DEC. 9, 1840.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the bill to lay off and establish a county by the name of Graham. The said bill was read the second time and rejected.

Received from the Senate a message, informing that they do not concur in the proposition of this House to authorize the joint select committee on the banks of this State, to employ a Secretary.

A message from the Senate, concurring in the proposition of this House that the statements and exhibits of the bank of the State and of bank of Cape Fear, be referred to the joint select committee on banks, and that they be printed.

A message from the Senate, concurring in the proposition that the communication of George E. Badger on the subject of State suits, and the message from his Excellency the Governor, transmitting the same, be referred to a joint select committee of four on the part of each House, and informing that Messrs. Mendenhall, Arrington, Clingman and Hill form their branch of said committee.

Ordered, That Messrs. Hoke, Hill, Pope and J. B. Jones form said committee on the part of this House.

A message from the Senate, transmitting the report of the Committee on Finance, and proposing that the report be printed. The proposition was concurred in.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John L. Beard, administrator of Peter Faust; which was read the first time and passed.

On motion of Mr. Winston,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the benefit of the Insolvent Debtor's law to persons confined in jail by virtue of judgments in action for injuries to the person or property of others; and that they report by bill or otherwise.

On motion of Mr. McLaughlin,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the bastardy law that a man imprisoned under its provisions, may be permitted to take the benefit of the oath of insolvency.

A message from the Senate, informing that Messrs. Shepard, Moore, Kerr form their branch of the Joint Select Committee to whom is referred the communication of the Honorable William Gaston upon the subject of repairing the statue of Washington. Messrs. H. C. Jones, Guthrie, Proctor form said committee on the part of the Commons.

On motion of Mr. Barringer,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for a Public Treasurer, and informing that Charles L. Hinton, the present incumbent, is in nomination for the appointment.

A message was received from the Senate, concurring in the proposition of this House, and informing that Messrs. Puryear and Pollock form their branch of the committee to superintend the election.

Ordered, That Messrs. Franklin and J. Barnes form said committee on the part of this House.

The House then proceeded to vote viva voce; and Mr. J. Barnes, from the committee appointed to conduct the election, reported that the whole number of votes given, except one, had been received by Charles L. Hinton, and that he was duly elected. The report was concurred in.

Mr. Hoke presented a petition from sundry citizens of the counties of Lincoln, Burke, Wilkes and Iredell, praying the establishment of a new county. Said petition was read, and on motion of Mr. E. P. Miller, postponed indefinitely.

Mr. Reid, from the Committee on Propositions and Grievances, reported the resolution in favor of Isaac Hunter, with sundry amendments. The amendments were read and concurred in.

Mr. Robards moved that said resolution be indefinitely postponed. The question thereon was decided in the negative—yeas 30, nays 74.

The yeas and nays called for by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Baker,	Franklin,	Massey,
Bannerman,	Gee,	E. P. Miller,
E. Barnes,	Gray,	Morrow,
Boyd,	Hawkins,	McCleese,
G. W. Caldwell,	Herring,	Neal,
Cardwell,	Holt,	Powell,
Chambers,	J. B. Jones,	Ragan,
Dickson,	Kerr,	Robards,
Ennett,	I. W. Lane,	F. Taylor,
Foreman,	Mangum,	Thompson.

Those who voted in the negative, were

Messrs.

Allen,	Hill,	McCollum,
Adams,	Hoke,	McLaughlin,
J. Barnes,	Holland,	McLaurin,
Barringer,	Howerton,	Patton,
Boyden,	Huggins,	Patterson,
Brannock,	Hymen,	Pemberton,
Brogden,	Jacobs,	Poindexter,
Brower,	Joiner,	Proctor,
Brummell,	H. C. Jones,	Rand,
Bryan,	C. Jones,	Reid,
Burns,	R. Jones,	Russell,
J. P. Caldwell,	Keener,	Siler,
Carson,	Killian,	Smith,
Clegg,	King,	Stallings,
J. W. Covington,	Lilly,	Wadsworth,
J. M. Covington,	Mendenhall,	L. Walker,
Doak,	J. T. Miller,	J. Walker,
Eaton,	W. J. T. Miller,	Whitehurst,
Farrow,	Mills,	J. O'K. Williams,
Fleming,	Mouday,	F. Williams,
D. A. Graham,	Moore,	Wilson,
J. Graham,	Morris,	Withers,
Grandy,	Munroe,	Yong,
Graves,	Murehison,	Ziglar.
Guyther,	McClenehan,	

The resolution was further amended on motion of Mr. Reid, and the question shall the said resolution be adopted? was decided in the affirmative—yeas 58, nays 46.

The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.

Allen,	Hoke,	McCollum,
Barringer,	Holland,	McLaurin,
Boyden,	Howerton,	Patton,
Brannock,	Huggins,	Patterson,
Brower,	Hyman,	Pemberton,
Brummell,	Jefferson,	Poindexter,
Bryan,	H. C. Jones,	Proctor,
Burns,	Keener,	Reid,
J. P. Caldwell,	Killain,	Siler,
Clegg,	King,	Stallings,
J. W. Covington,	Mendenhall,	Wadsworth,
J. M. Covington,	W. J. T. Miller,	J. Walker.
Doak,	Mills,	Whitehurst,
Farrow,	Monday,	J. O'K. Williams.
Flening,	Moore,	F. Williams,
Franklin,	Morris,	Wilson,
J. Graham,	Munroe,	Withers,
Grandy,	Murchison,	Young,
Guthrie,	McClenehan,	Ziglar.
Guyther,		

Those who voted in negative, were

Messrs.

Adams,	D. A. Graham,	Massey,
Baker,	Graves,	E. P. Miller,
Bannerman,	Gray,	J. T. Miller,
J. Barnes,	Hawkins,	Morrow,
E. Barnes,	Herring,	McCleese,
Biggs,	Hill,	McLaughlin,
Boyd,	Holt,	Neal,
Brogden	Jacobs,	Powell,
G. W. Caldwell,	Joiner,	Ragan,
Cardwell,	J. B. Jones,	Rand,
Chambers,	C. Jones,	Robards,
Dickson,	R. Jones,	Russell,
Eaton,	Kerr,	F. Taylor,
Ennett,	I. W. Lane,	Tomlinson,
Foreman,	Mangum,	L. Walker.
Gee,		

Ordered, That said resolution be engrossed.

The engrossed bill to locate the Judges of the Superior Courts within their several judicial circuits, was taken up and considered, and, on motion of Mr. Moore, made the special order of the day for to-morrow.

The resignations of John C. Wilson of Duplin, and of Leonard Daniel of Halifax county, justices of the peace, were presented, read and accepted.

The resolution in favor of Philip Hodnett, late entry taker for the county of Caswell, was read the second and third times and passed, and ordered to be engrossed.

The bill to lay off and establish a county by the name of Union, was read, and, on motion of Mr. Winston, laid on the table.

On motion of Mr. Moore,

Ordered, That a message be sent to the Senate proposing that the two Houses at eleven o'clock to-morrow, vote for a Comptroller of public accounts.

The bill to repeal an act, entitled an act concerning the processioning of lands, was read the third time, and, on motion of Mr. E. P. Miller, postponed indefinitely.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DEC. 10, 1840.

Mr. Winston called up for consideration the bill to lay off and establish a county by the name of Union, when the said bill was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 56, nays 44. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Barringer
Beall,
Boyden,
Brannock,

Hill,
Hoke,
Holland,
Holt,

McCollum,
McLaughlin,
McLaurin,
McMillan,

Brower,	Jefferson,	Neal,
Bryan,	C. Jones,	Paine,
Burns,	Keener,	Patton,
J. P. Caldwell,	Killian,	Pemberton,
G. W. Caldwell,	King,	Poindexter,
Carson,	W. B. Lane,	Reid,
Chambers,	E. P. Miller,	Robards,
J. W. Covington,	W. J. T. Miller,	Russell,
J. M. Covington,	Mills,	Siler,
Doak,	Monday,	J. Walker,
Fleming,	Morris,	F. Williams,
Franklin,	Morrow,	Winston,
D. A. Graham,	Munroe,	Withers,
J. Graham,	Murchison,	Young.
Gray,	McClenahan,	

Those who voted in the negative, were

Messrs.

Adams,	Graves,	Patterson,
Baker,	Guthrie,	Powell,
Bannerman,	Gnyther,	Proctor,
J. Barnes,	Hawkins,	Ragan,
E. Barnes,	Herring,	Rand,
Biggs,	Howerton,	Smith,
Boyd,	Huggins,	Sullivan,
Brogden,	Jacobs,	Stallings,
Cardwell,	Joiner,	F. Taylor,
Dickson,	R. Jones,	Tomlinson,
Eaton,	Kerr,	L. Walker,
Ennett,	I. W. Lane,	Whitehurst,
Foreman,	Mangum,	Wilson,
J. R. Gilliam,	Massey,	Ziglar.
Grandy,	J. T. Miller,	

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of McDowell, was read the second time and rejected—yeas 52, nays 57. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hill,	McClenahan,
Beall,	Hoke,	Murchison,
Brannock,		

Boyden,	Holt,	McCollum,
Brower,	Jefferson,	McLaughlin,
Brummell,	C. Jones,	McLaurin,
Bryan,	Keener,	McMillan,
Burns,	Killiar,	Neal,
Carson,	King,	Patton,
J. M. Covington,	W. B. Lane,	Pemberton,
Doak,	Lilly,	Poindexter,
Farrow,	E. P. Miller,	Reid,
Fleming,	W. J. T. Miller,	Russell,
Franklin,	Mills,	Siler,
J. R. Gilliam,	Monday,	J. Walker,
D. A. Graham,	Morris,	F. Williams,
J. Graham,	Morrow,	Winston,
Gray,	Munroe,	Young.

Those who voted in the negative, were

Messrs.

Adams,	Graves,	McCleese,
Allen,	Guthrie,	Patterson,
Baker,	Guyther,	Pope,
Bannerman,	Hawkins,	Pcwell,
J. Barnes,	Herring,	Ragan,
E. Barnes,	Holland,	Rand,
Biggs,	Howerton,	Smith,
Boyd,	Huggins,	Spruill,
Brogden,	Hyman,	Sullivan,
J. P. Caldwell,	Jacobs,	Stallings,
Cardwell,	Joiner,	F. Taylor,
Chambers,	J. B. Jones,	Tomlinson,
J. W. Covington,	R. Jones,	Wadsworth,
Dickson,	Kerr,	L. Walker,
Eaton,	I. W. Lane,	Whitehurst,
Ennett,	Mangum,	J. O'K. Williams,
Foreman,	Massey,	Wilson.
Gee,	Mendenhall,	Withers,
Grandy,	Moore,	Ziglar.

Mr. Russell presented a petition from sundry citizens of the county of Granville, praying the passing of an act of incorporation for the town of Henderson. Said petition was, on motion of Mr. Russell, referred to the committee on private bills.

Mr. I. W. Lane presented a bill to amend the patrol law

of the State; which was read the first time and passed, and referred, on Mr. Lane's motion, to the Committee on the Judiciary.

Mr. Holt presented a resolution in favor of Mark H. Hill; which was read the first time and passed.

On motion of Mr. Boyden,

Ordered, That the resolution relating to an apportionment of assets pro rata among the creditors of persons dying intestate and insolvent, be made the order of the day for Monday next.

On motion of Mr. Biggs,

Resolved, That the Committee on Finance be instructed to inquire whether the warrants paid by the Treasurer, and now on file in the Comptroller's Office, for clerk's hire in selling the Cherokee lands; for \$625, compensation to S. F. Patterson, for 125 day's service; for Lunsford Lane's services as a servant in the Executive Office; for salaries of agents to obtain subscription to the Fayetteville and Western Rail Road, were drawn in conformity to, and by authority of, law; and whether the bills for postage and stationary are reasonable; and that they report thereon to the General Assembly, annexing to their report the bills for stationary and postage.

Mr. Smith presented a petition from sundry citizens of Hertford County, upon the subject of the fisheries, together with a bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie Rivers and their waters. Said bill was read the first time and passed, and on motion of Mr. Smith, referred to the joint select committee on the fisheries.

Mr. Barringer, from the Committee on Internal Improvement, reported a bill for the relief of the Wilmington and Raleigh Rail Road Company; which was read the first time and passed, and on motion of Mr. J. P. Caldwell, ordered to be printed.

Mr. Barringer, from the same committee, reported a bill to lay off and establish a road down the Blue Ridge from the line of the county of Yancy, to Turkey Cove Creek, in Burke county; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to vote this day at 11 o'clock for Comptroller of Public Accounts, and informing that the name

of George Little is in nomination for the appointment.

Ordered, That the Senate be informed that William F. Collins, the present incumbent, is also in nomination; that Messrs. Holt and Whitehurst form the committee of superintendence on the part of the Commons; and that the House is now ready to proceed to vote:

The House then voted as follows:

FOR WILLIAM F. COLLINS,

MESSRS.

Speaker,	Guthrie,	Murchison,
Adams,	Guyther,	McCleese,
Allen,	Herring,	McClenahan,
Baker,	Holland,	McCollum,
J. Barnes,	Holt,	McLaughlin,
Barringer,	Howerton,	McLaughrin,
Beall,	Huggins,	McMillan,
Biggs,	Hyman,	Neal,
Boyd,	Jacobs,	Paine,
Boyden,	Jefferson,	Patton,
Braunock,	Joiner,	Patterson,
Brower,	H. C. Jones,	Pemberton,
Brummell,	J. B. Jones,	Poindexter,
Bryan,	C. Jones,	Pope,
Burns,	R. Jones,	Powell,
J. P. Caldwell,	Keener,	Proctor,
Cardwell,	Kilian,	Ragan,
Carson,	King,	Reid,
Clegg,	W. B. Lane,	Robards,
Chambers,	I. W. Lane,	Russell,
J. W. Covington,	Lilly,	Siler,
J. M. Covington,	Mangum,	Sullivan,
Dickson,	Massey,	Tomlinson,
Doak,	Mendenhall,	Wadsworth,
Farrow,	E. P. Miller,	L. Walker,
Fleming,	J. T. Miller,	J. O'K. Williams,
Franklin,	W. J. T. Miller,	F. Williams,
Gee,	Mills,	Wilson,
D. A. Graham,	Monday,	Winston,
J. Graham,	Moore,	Withers,
Grandy,	Morris,	Young,
Graves,	Munroe,	Ziglar.
Gray,		

FOR GEORGE LITTLE,

MESSRS.

E. Barnes,	J. R. Gilliam,	Smith,
Brogden,	Hill,	Spruill,
Eaton,	Kerr,	F. Taylor,
Ennett,	Morrow,	Whitehurst.
Foreman,	Rand,	

FOR MR. MUNROE,

Mr. G. W. Caldwell.

FOR MR. MARSTELLER,

Mr. Hawkins.

Mr. Whitehurst, from the committee appointed to superintend this election, reported that William F. Collins, had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

A message from the Senate, proposing to vote immediately for Attorney General; the proposition was agreed to, and Messrs. Holt and Tomlinson appointed a committee to superintend the election.

The House then voted as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,	Grandy,	McClenchan,
Allen,	Gray,	McCollum,
Barringer,	Guthrie,	McLaughlin,
Beall,	Guyther,	McLaurin,
Brannock,	Huggins,	McMillan,
Brower,	Hymian,	Patton,
Brummell,	Jefferson,	Peimberton,
Bryan,	Joiner,	Proctor,
Carson,	Keener,	Russell,
Clegg,	King,	Siler,
J. W. Covington,	W. B. Lane,	Wadsworth,
J. M. Covington,	Lilly,	Whitehurst,
Doak,	E. P. Miller,	J. O'K. Williams,
Ennett,	W. J. T. Miller,	F. Williams,
Farrow,	Mills,	Wilson,

Fleming,
Franklin,
D. A. Graham,
J. Graham,

Morris,
Munroe,
Murchison,
McCleese,

Withers,
Young.

FOR JOHN R. J. DANIEL,

Messrs.

Baker,
Bannerman,
J. Barnes,
E. Barnes,
Biggs,
Boyd,
Brogden,
G. W. Caldwell,
Cardwell,
Chambers,
Dickson,
Eaton,
Foreman,

Graves,
Hawkins,
Hoke,
Holland,
Howerton,
J. B. Jones,
R. Jones,
Kerr,
Killian,
I. W. Lane,
Mangum,
Massey,
J. T. Miller,

Munday,
Morrow,
Neal,
Patterson,
Powell,
Rand,
Sullivan,
Stallings,
F. Taylor,
Tomlinson,
L. Walker,
J. Walker,
Ziglar.

FOR JAMES IREDELL,

Messrs.

Gee,
J. R. Gilliam,
Jacobs,
H. C. Jones,
C. Jones,

Mendenhall,
Moore,
Pope,
Robards,

Smith,
Spruill,
Thompson,
Winston.

FOR B. F. MOORE,

Messrs.

Speaker,
Boyden,

Burns,
J. P. Caldwell,

Hill,
Holt.

Mr. G. W. Caldwell moved that the House adjourn until to-morrow morning, ten o'clock. The question thereon was decided in the affirmative—yeas 25, nays 19.

The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.

J. Barnes,
Bryan,
G. W. Caldwell,

Hill,
Howerton,
Huggins,

McCollum,
McLaughlin,
Neal,

Clegg,	King,	Patton,
J. M. Covington,	E. P. Miller.	Rand,
Doak,	Monday,	Whitehurst,
Eaton,	Morris,	J. O'K. Williams,
Ennet,	Munroe,	Winston.
Gray,		

Those who voted in the negative, were

Messrs.

Adams,	Franklin,	Patterson,
Bannerman,	Holland,	Powell,
Biggs,	Jacobs,	Ragan,
Brogden,	J. B. Jones,	F. Taylor,
J. P. Caldwell,	Morrow,	J. Walker,
J. W. Covington,	McCleese,	Wilson.
Farrow,		

FRIDAY, DEC. 11, 1840.

Mr. Holland moved that the House do now consider a resolution offered by him for holding evening sessions of this House. The question on now considering the resolution was decided in the negative.

Mr. Guthrie moved that the House do re-consider their vote of yesterday, by which the bill to lay off and establish a county by the name of McDowell, was rejected.

The House agreed to reconsider, when, on motion of Mr. Neal, the said bill was laid upon the table.

Mr. Reid presented a certificate from the County Court of Cumberland, in favor of the heirs of Ann Morrison for the pension heretofore allowed their mother.

Ordered, on motion of Mr. Reid, that the certificate be referred to the Committee on Claims.

On motion of Mr. E. P. Miller, the House agreed to reconsider their vote postponing indefinitely the petition of sundry citizens of the counties of Lincoln, Burke, Wilkes and Iredell, praying the establishment of a new county by the name of Catawba; when, on motion of Mr. Hoke, the said petition was referred to the Committee on Propositions and Grievances.

On motion of Mr. Wilson,

Resolved, That Saturday the 19th inst. be set apart for the purpose of recommending Justices of the Peace for the several counties.

Mr. Moore, from the Committee on the Judiciary, reported a bill to amend the Revised Statutes, entitled an act concerning last wills and testaments; which was read the first time and passed, and on motion of Mr. Mendenhall,

Ordered, That the said bill and the report of the committee be printed.

Mr. Keener presented a resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road; which was read the first time and passed, and on motion of Mr. Keener, referred to the committee on claims.

Mr. Siler presented a resolution in favor of William Young, of Macon county; which was read the first time and passed, and on motion of Mr. Hill, referred to the committee on claims.

Mr. Burns, from the committee appointed yesterday to superintend the election of Attorney General, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, proposing that another vote for this officer be had immediately.

A message was received from the Senate, agreeing to this proposition, and informing that Messrs. Myers and Reid form their branch of the committee to superintend the voting.

Ordered, That Messrs. McClenchan and Morrow form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR HUGH McQUEEN,

Messrs.

Adams,
Allen,
Barringer,
Beall,
Boyden,
Brannock,
Brower,

Guthrie,
Guyther,
Holt,
Huggins,
Hyman,
Jefferson,
Joiner,

McCollum,
McLaughlin,
McLaurin,
McMillan,
Neal,
Patton,
Pemberton,

Brummell,	Keener,	Poindexter,
Clegg,	King,	Proctor,
J. W. Covington,	W. B. Lane,	Reid,
J. M. Covington,	Lilly,	Russell,
Doak,	E. P. Miller,	Siler,
Farrow,	W. J. T. Miller,	Wadsworth,
Fleming,	Mills,	Whitehurst,
Franklin,	Morris,	J. O'K. Williams
D. A. Graham,	Munroe,	F. Williams,
J. Graham,	Murchison,	Wilson,
Grandy,	McCleese,	Withers,
Gray,	McClenehan,	Young.

FOR JOHN R. J. DANIEL,

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Hawkins,	Morrow,
J. Barnes,	Herring,	Patterson,
Biggs,	Hoke,	Powell,
Boyd,	Holland,	Ragan,
Brogden,	Howerton,	Rand,
J. P. Caldwell,	J. B. Jones,	Sullivan,
G. W. Caldwell,	R. Jones,	Stallings,
Cardwell,	Kerr,	F. Taylor,
Eaton,	Killian,	Tomlinson,
Ennett,	Mangum,	L. Walker,
Foreman,	Massey,	J. Walker,
J. R. Gilliam,	J. T. Miller,	Ziglar.
E. Barnes,		

FOR JAMES IREDELL,

Messrs.

Gee,	Moore,	Smith,
Jacobs,	Paine,	Spruill,
C. Jones,	Pope,	Thompson,
Mendenhall,	Robards,	Winston.

FOR B. F. MOORE,

MESSRS.

Speaker,	Hill.
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Mr. McClenehan, from the committee appointed to su-

perintend this election, reported that Hugh McQueen had received a majority of the whole number of votes, and that he was duly elected Attorney General of the State. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported the bill to regulate the time of holding the Superior Court of Moore at its ensuing term, with an amendment. The said amendment was concurred in; and the bill read the second time and passed.

Mr Spruill presented a petition from sundry citizens residing on Roanoke river, praying the establishment of lay days on the fisheries at and about the mouth of said river. The said petition was read, and, on Mr. Spruill's motion, laid upon the table.

The engrossed bill to locate the Judges of the Superior Courts within their several judicial circuits, was read the second time, and the question shall the said bill pass the second reading? was determined in the negative, yeas 50, nays 62. Yeas and nays demanded by Mr. Morrow.

Those who voted in the affirmative, were .

Messrs.

Adams,	Huggins,	Proctor,
Allen,	Hyman,	Ragan,
Bannerman,	Jacobs,	Reid,
J. Barnes,	Joiner,	Siler,
E. Barnes,	J. B. Jones,	Smith,
Biggs,	R. Jones,	Spruill,
Brogden,	Keener,	Sullivan,
Ennett,	Kerr,	Stallings,
Farrow,	Killian,	F. Taylor,
Fleming,	Mangum,	Thompson,
Gee,	J. T. Miller,	Tomlinson,
J. R. Gilliam,	Munroe,	Wadsworth,
Grandy,	McCleese,	J. Walker.
Guyther,	Neal,	Whitehurst,
Hill,	Paine,	J. O'K. Williams,
Holland,	Pope,	Wilson.
Howerton,	Powell,	

Those who voted in the negative. were

Messrs.

Baker,	D. A. Graham,	Morris,
Barringer,	J. Graham,	Morrow,

Beall,	Graves,	McClenelian,
Boyd,	Gray,	McCollum,
Boyden,	Guthrie,	McLaughlin,
Brannock,	Hawkins,	McLaurin,
Brower,	Holt,	McMillan,
Brummell,	Hoke,	Patton,
Bryan,	Jefferson,	Patterson,
Burns,	H. C. Jones,	Pemberton,
J. P. Caldwell,	C. Jones,	Poindexter,
G. W. Caldwell,	King,	Rand,
Cardwell,	W. B. Lane,	Robards,
Carson,	Lilly,	Russell,
Chambers,	Massey,	L. Walker,
J. M. Covington,	Mendenhall,	F. Williams,
J. W. Covington,	E. P. Miller,	Winston,
Doak,	W. J. T. Miller,	Withers,
Eaton,	Mills,	Young,
Foreman,	Monday,	Ziglar.
Franklin,	Moore,	

On motion of Mr. Spruill,

Ordered, That a message be sent to the Senate, proposing that the two Houses on Tuesday next, at 12 o'clock, go into an election for a Judge of the Superior Courts, to supply the vacaney occasioned by the resignation of Romulus Saunders, and informing that Edward Hall and Matthias E. Manly are in nomination for the office.

Mr. Mills presented a petition from John Moore, of Rutherford county, praying to have refunded to him the purchase money of a certain tract of land granted by the State to the petitioner. Said petition was, on motion of Mr. Mills, referred to the Committee on Claims.

Received from the Senate a message, informing that they had passed the engrossed resolution concerning the Public Treasurer; and asking the concurrence of this House.

The said resolution was read and adopted.

A message from the Senate, informing that they had passed the engrossed resolution concerning the Governor, and asking the concurrence of the House.

The said resolution was read, and on motion of Mr. Reid, laid on the table.

The bill to emancipate Emeline Patterson was read the second time and rejected—yeas 29, nays 82. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Barringer,	Doak,	Munroe,
Hoke,	Guthrie,	Patterson,
McClenahan,	Holland,	Poindexter,
Boyden,	H. C. Jones,	Rand,
Brannock,	Keener,	Reid,
Brower,	Killian,	Russell,
Brummell,	W. B. Lane,	Siler,
Bryan,	Lilly,	J. O'K. Williams,
J. W. Covington,	Mendenhall,	Withers.
J. M. Covington,	Monday,	

Those who voted in the negative, were

Messrs.

Adams,	Gray,	McLaughlin,
Allen,	Guyther,	McLaurin,
Baker,	Hawkins,	McMillan,
Bannerman,	Herring,	Neal,
J. Barnes,	Hill,	Paine,
E. Barnes,	Holt,	Patton,
Beall,	Howerton,	Pope,
Biggs,	Huggins,	Powell,
Boyd,	Hyman,	Proctor,
Brogden,	Jacobs,	Ragan,
Burns,	Jefferson,	Robards,
J. P. Caldwell,	Joiner,	Smith,
G. W. Caldwell,	J. B. Jones,	Spruill,
Cardwell,	C. Jones,	Sullivan,
Carson,	R. Jones,	Stallings,
Chambers,	Kerr,	F. Taylor,
Dickson,	King,	Thompson,
Eaton,	Mangum,	Tomlinson,
Ennett,	Massey,	Wadsworth,
Farrow,	E. P. Miller,	L. Walker,
Fleming,	W. J. T. Miller,	J. Walker,
Foreman,	Mills,	Whitehurst,
Franklin,	Moore,	F. Williams,
Gilliam,	Morris,	Winston,
D. A. Graham,	Morrow,	Wilson,
J. Graham,	McCleese,	Young,
Grandy,	McCollum,	Ziglar.
Graves,		

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DEC. 12, 1840.

Received a message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill to repeal in part the 9th section of the 23rd chapter of the Revised Statutes, concerning the Comptroller.

A bill concerning the collection of fines and costs from free negroes and free persons of color.

And a bill to secure title and grant jurisdiction over a tract of land on Body's Island to the United States, and asking the concurrence of this House.

The said bills were each read the first time and passed.

The Speaker laid before the House a communication from the Public Treasurer, in answer to a call of the House for certain information respecting the stocks owned and held by the State and the value thereof.

Ordered, on motion of Mr. Patton, that the communication be printed.

Received from his excellency Governor Dudley, by his Private Secretary, a message relating to certain suits pending against the purchasers of Cherokee Lands, transmitting certain resolutions of the Legislature of Vermont, for amending the Constitution of the United States, and relating also to repairs necessary to be made to the Governor's residence.

Ordered, on motion of Mr. J. P. Caldwell, that so much of said message as relates to the suits for Cherokee Lands be referred to the Joint Select Committee on Cherokee lands.

That so much thereof as relates to the Vermont Resolutions, be referred to a Joint Select Committee.

And that so much thereof as relates to the Governor's residence, be referred to a Joint Select Committee.

And that said message be transmitted to the Senate, asking their concurrence therein.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill to protect the interest of lessors.

A bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State.

And the engrossed resolution in favor of the Public Treasurer; and asking the concurrence of this House.

The said bills and resolution were each read the first time and passed.

A message from the Senate, transmitting the report from the joint select committee on Lunatic Asylums, and proposing that the same be printed. The proposition was concurred in.

Mr. J. O'K. Williams presented a bill to incorporate Orr Lodge, at Washington, in the county of Beaufort; which was read the first time and passed.

Mr. Patton presented a petition from sundry citizens of Buncombe county, praying that a law be passed allowing Wm. B. Hammons, a colored man, to preach in public.

The petition was, on motion of Mr. Patton, referred to the Committee on Propositions and Grievances.

Mr. Patton presented a petition from sundry citizens of Buncombe and Henderson counties, praying that compensation be made to Thomas J. Clarke and John Clarke, for their discovery of a gold mine on the lands of the State. The petition was, on motion of Mr. Patton, referred to the Committee on Propositions and Grievances.

A message from the Senate, informing that they had passed the engrossed resolutions concerning the apartments in the capitol, with sundry amendments, and asking the concurrence of this House. The amendments were disagreed to, and the Senate so informed.

On motion of Mr. Hoke,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election on Tuesday next for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer.

On motion of Mr. Moore, the name of William H. Battle was nominated for the office.

On motion of Mr. Paine,

Ordered, That the Senate be informed that the name of Augustus Moore is added to the nomination for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, propos-

ing that the two Houses, on Monday next, go into an election for eight Trustees of the University, to fill vacancies now existing in that Board.

The following persons were put in nomination:

W. R. Gales, J. A. Mebane, W. H. Hardin, J. H. Haughton, G. C. Mendenhall, J. C. Williams, M. Q. Waddell, J. Worth, C. Jones, jun., P. H. Winston, B. F. Moore, W. A. Wright, R. Hines, H. C. Jones.

On motion of Mr. Wilson,

Ordered, That a message be sent to the Senate, proposing to vote for Counsellors of State on Wednesday next.

The following persons were put in nomination, viz:

J. A. Anderson, H. I. Toole, A. Goodwin, W. Perry, A. Bowman, J. Busbee, A. Moye, E. Bryan, T. McGehee, J. B. Troy, J. T. Avery, C. W. Barnes and J. P. Leake.

On motion of Mr. Barringer,

Ordered, That the report of the President and Directors of the Board of Internal Improvement, with the accompanying documents, be printed.

Mr. Barringer, from the Committee on the Judiciary, reported the bill to amend the Revised Statutes, entitled an act concerning sheriffs, with an amendment.

The amendment was read and adopted, and the bill passed the second reading.

Mr. Reid presented a bill to emancipate Joseph together with a petition from sundry citizens of the county of Cumberland, praying its passage. Said bill was read the first time, and on motion of Mr. Stallings, rejected.

On motion of Mr. Boyden,

Resolved, That the Treasurer of this State furnish this House with a statement of all the expenditures made on behalf of the State for Internal Improvement, including therein expenditures for draining the Swamp Lands, specifying in such statement the objects for which such expenditures have been made.

Mr. Robards presented a petition from sundry citizens of Wake county, against further legislation on the subject of free negroes.

The petition was read and ordered to be sent to the Senate.

The bill to amend an act passed in the year 1829, entitled an act to authorise the Justices of the Peace of Iredell county to purchase a tract of land for the purpose of

erecting thereon a Poor House for the accommodation of the poor of said county and for other purposes; and the bill concerning jurors in Yancy county, were read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act entitled an act to amend an act passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington, and for other purposes; the bill to change the time of holding the Courts of Pleas and Quarter Sessions of Camden county; and the resolution in favor of the executors of Beverly Daniel, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to prevent the cutting of timber into the rivers of Cherokee county, was read the third time and passed; and the engrossed resolution in favor of Priscilla Goodwin, was read the second and third times and passed.

Ordered, That said bill and resolution be enrolled.

On motion of Mr. Jefferson,

Ordered, That the Door-Keeper of this House be directed to procure a suitable table to be placed immediately in front of the Clerk's desk, on which to place newspapers and letters belonging to members of the House.

Mr. Barringer presented a resolution directing the Secretary of State to deposit certain documents in the Library of the University; which was read the first time and passed.

On motion of Mr. Thompson,

Ordered, that a message be sent to the Senate, proposing to elect on Monday next a Colonel of Cavalry, attached to the 5th brigade and 7th division of militia, to fill the vacancy occasioned by the death of Mathew Calvert—and informing that Samuel B. Spruill is nominated for the appointment.

The resolution relating to Evening Sessions was taken up and considered, and, on motion of Mr. Cardwell, laid on the table.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the resolution relating to a repeal of the Usury Laws.

Ordered, That the report be laid on the table.

The bill to regulate the time of holding the Superior Court of Moore at its next ensuing term, was read, and, on motion of Mr. Keener, laid on the table.

The bill to expedite legal process, and the bill to amend an act entitled an act concerning the Seat of Government and Public Buildings, were each read the second time and passed.

The resignations of Jeremiah Pearsall, of Duplin; of T. Hampton, of Lincoln county; of Charles T. Hunter, of Edgecombe county; and of Young Brisentine, of Ruthersford county, Justices of the Pence, were presented, read and accepted.

The bill authorising the several County Courts to provide for compensation to the wardens of the poor, was read, and, on motion of Mr. J. T. Miller, indefinitely postponed—yeas 76, nays 28.

The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative, were

Messrs.

Adams,	Hawkins,	Neal,
Bannerman,	Hoke,	Paine,
Beall,	Jefferson,	Pemberton,
Boyd,	Joiner,	Poindexter,
Brogden,	H. C. Jones,	Pcwell,
Brower,	J. B. Jones,	Ragan,
Brummell,	C. Jones,	Reid,
Bryan,	R. Jones,	Robards,
J. P. Caldwell,	Kerr,	Russell,
G. W. Caldwell,	W. B. Lane,	Siler,
Cardwell,	Lilly,	Sullivan,
Carson,	Mangum,	Stallings,
Chambers,	Massey,	F. Taylor,
J. W. Covington,	Mendenhall,	Thompson,
J. M. Covington,	E. P. Miller,	Tomlinson,
Dickson,	J. T. Miller,	Wadsworth,
Eaton,	W. J. T. Miller,	L. Walker,
Ennett,	Mills,	J. Walker,
Fleming,	Monday,	J. O'K. Williams,
Franklin,	Morris,	F. Williams,
J. Graham,	Morrow,	Winston,
Grandy,	Munroe,	Wilson,
Graves,	McCollum,	Withers,
Guthrie,	McLaughlin,	Young,
Guyther,	McLaurin,	Ziglar.

Those who voted in negative, were

Messrs.

Allen,	Gray,	Moore,
Baker,	Herring,	McClenehan,
J. Barnes,	Holland,	McMillan,
E. Barnes,	Howerton,	Patton,
Biggs,	Huggins,	Patterson,
Boyden,	Hyman,	Pope,
Brannock,	Jacobs,	Rand,
Burns,	Keener,	Spruill,
Doak,	Killian,	Whitehurst.
D. A. Graham,		

Mr. W. J. T. Miller offered the following resolution:

Resolved, That a message be sent to the Senate, proposing that this Legislature adjourn *sine die* on Monday, the 4th day of January next.

Mr. C. Jones moved that said resolution be laid on the table. The question thereon was determined in the affirmative—yeas 80, nays 26. The yeas and nays demanded by Mr. W. J. T. Miller.

Those who voted in the affirmative, were

Messrs.

Adams,	Guyther,	Paine,
Allen,	Hill,	Patton,
Baker,	Howerton,	Patterson,
J. Barnes,	Huggins,	Pemberton,
Barringer,	Hyman,	Poindexter,
Biggs,	Jacobs,	Pope,
Boyd,	Joiner,	Proctor,
Boyden,	H. C. Jones,	Rand,
Brannock,	C. Jones,	Reid,
Brower,	Keener,	Robards,
Bryan,	Killian,	Siler,
Burns,	King,	Smith,
Cardwell,	Lilly,	Spruill,
Carson,	Mangum,	Stallings,
Chambers,	Massey,	F. Taylor,
J. W. Covington,	Mendenhall,	Tomlinson,
J. M. Covington,	E. P. Miller,	Wadsworth,

Dickson,	J. T. Miller,	J. Walker,
Doak,	Mills,	L. Walker,
Eaton,	Moore,	Whitehurst,
Foreman,	Morrow,	J. O'K. Williams.
Franklin,	Munroe,	F. Williams,
D. A. Graham,	McClenahan,	Winston,
J. Graham,	McCollum,	Wilson,
Grandy,	McLaughlin,	Withers,
Graves,	McLaurin,	Ziglar.
Gray,	McMillan,	

Those who voted in the negative, were

Messrs.

Bannerman,	Herring,	Monday,
Beall,	Hoke,	Morris,
Brogden	Holland,	McCleese,
J. P. Caldwell,	Jefferson,	Neal,
G. W. Caldwell,	J. B. Jones,	Powell,
Ennett,	R. Jones,	Ragan,
Farrow,	Kerr,	Thompson,
Gilliam,	W. B. Lane,	Young.
Hawkins,	W. J. T. Miller,	

The House then adjourned until Monday morning ten o'clock.

MONDAY, DEC. 14, 1840.

Mr. Baker withdrew the name of H. I. Toole from the nomination for Counsellors of State, and added the same to the nomination for Trustees of the University.

On motion of Mr. J. P. Caldwell, the name of Michael Holt was added to the nomination for Counsellors of State.

On motion of Mr. Jefferson, the name of John McIntyre was added to the nomination for Counsellors of the State.

And on motion of Mr. Mills, the name of B. S. Gaither, was added to the list of nominations for Trustees of the University.

The bill to lay off and establish a county by the name of

Caldwell, was read the second time and passed by the casting vote of the Speaker—yeas 50—nays 50.

The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Barringer	J. Graham,	Munroe,
Beall,	Guthrie,	McLaughlin,
Boyden,	Hill,	McMillan,
Brower,	Hoke,	McLaurin,
Brummell,	Holt,	Neal,
Bryan,	Huggins,	Paine,
Burns,	Hyman,	Patton,
J. P. Caldwell,	Jefferson,	Pemberton,
G. W. Caldwell,	H. C. Jones,	Reid,
Carson,	Keener,	Robards,
J. W. Covington,	W. B. Lane,	Russell,
J. M. Covington,	Lilly,	Siler,
Doak,	Mendenhall,	J. Walker,
Farrow,	E. P. Miller,	F. Williams,
Fleming,	W. J. T. Miller,	Winston,
Franklin,	Mills,	Young.
D. A. Graham,	Morrow,	

Those who voted in the negative, were

Messrs.

Adams,	Gray,	Poindexter,
Allen,	Gnyther,	Pope,
Baker,	Hawkins,	Proctor,
Bannerman,	Herring,	Ragan,
J. Barnes,	Holland,	Smith,
Biggs,	Jacobs,	Sullivan,
Boyd,	Joiner,	Stallings,
Brannock,	J. B. Jones,	F. Taylor,
Brogden,	C. Jones,	Thompson,
Cardwell,	R. Jones,	Wadsworth,
Chambers,	Kerr,	L. Walker,
Dickson,	Massey,	Whitehurst,
Eaton,	J. T. Miller,	J. O'K. Williams,
Foreman,	Monday,	Wilson,
J. R. Gilliam,	Moore,	Withers,
Grandy,	McCleese,	Ziglar.
Graves,	Patterson,	

Mr. Moore, from the committee on the judiciary, to whom was referred the bill altering and prescribing the times at which certain elections shall hereafter be held in this State, reported two bills; one entitled a bill to amend the revised statutes, entitled an act providing for the appointment of electors to vote for President and Vice President of the U. States.

And the other entitled a bill to make elections uniform throughout the State, and amendatory of the revised statutes; concerning the General Assembly of the State; concerning the mode of choosing Representatives in the Congress of the United States; concerning the Governor of the State; concerning sheriffs; and concerning clerks of the County and Superior Courts.

These bills were read the first time and passed, and on motion of Mr. Moore, made the order of the day for Wednesday next, and ordered to be printed.

Received a message from the Senate, agreeing to the proposition of this House, to vote to-day for eight Trustees of the University, and informing that Messrs. W. J. T. Orr and Mitchell form their branch of the committee to superintend the voting.

Ordered, That Messrs. Pope and Huggins, form said committee on the part of the Commons.

The House then proceeded to vote as follows:

FOR MATTHEW R. MOORE,

MESSRS.

Speaker,	Joiner,	Patton,
Beall,	Keener,	Patterson,
Boyden,	W. B. Lane,	Pemberton,
Brummell,	Mills,	Poindexter,
Bryan,	Murchison,	Rand,
J. M. Covington,	McCollum,	Russell,
Franklin,	McLaughlin,	Siler,
Gray,	McLaughrin,	F. Williams,
Hyman,	McMillan,	Withers,
Jefferson,	Neal,	Young.

FOR BAT. F. MOORE,

MESSRS.

Speaker,	Guthrie,	Paine,
Adams,	Guyther,	Patton,

Allen,	Hill,	Patterson,
Baker,	Hoke,	Poindexter,
J. Barnes,	Holt,	Pope,
Barringer,	Huggins,	Powell,
Beall,	Hyman,	Proctor,
Biggs,	Jacobs,	Ragan,
Boyden,	Jefferson,	Rand,
Brogden,	Joiner,	Reid,
Brower,	H. C. Jones,	Robards,
Brummell,	J. B. Jones,	Russell,
Bryan,	C. Jones,	Siler,
Burns,	R. Jones,	Smith,
J. P. Caldwell,	Keener,	Spruill,
G. W. Caldwell,	Kerr,	Stallings,
Chambers,	Killian,	Tomlinson,
J. W. Covington,	Lilly,	L. Walker,
Dickson,	Massey,	Whitehurst,
Eaton,	J. T. Miller,	J. O'K. Williams,
Ennett,	Monday,	Thompson,
Franklin,	Mendenhall,	F. Williams,
Fleming,	Morris,	Winston,
D. A. Graham,	McClenehan,	Withers,
J. Graham,	McLaughlin,	Young,
Grandy,	McMillan,	Farrow,
Graves,	McCleese,	Foreman,
Gray,	Neal,	Wilson.

FOR WESTON R. GALES,

Messrs.

Speaker,	Huggins,	McCleese,
Adams,	Hyman,	Neal,
Allen,	Jacobs,	Patton,
Barringer,	Jefferson,	Paine,
Beall,	Joiner,	Pemberton,
Boyden,	H. C. Jones,	Poindexter,
Brogden,	J. B. Jones,	Pope,
Brower,	R. Jones,	Proctor,
Brummell,	Keener,	Rand,
Bryan,	Lilly,	Robards,
Burns,	W. B. Lane,	Russell,
J. P. Caldwell,	Mangum,	Siler,
Carson,	E. P. Miller,	Spruill,
J. W. Covington,	J. T. Miller,	

J. M. Covington,	Mills,	Tomlinson,
Eaton,	W. J. T. Miller,	Wadsworth,
Franklin,	Munday,	Whitehurst,
D. A. Graham,	Moore,	J. O'K. Williams,
J. Graham,	Mendenhall,	Thompson,
Grandy,	Morris,	F. Williams,
Gray,	Murchison,	Winston,
Guthrie,	McClenehan,	Wilson,
Guyther,	McCollum,	Withers,
Hill,	McLaughlin,	Young,
Hoke,	McLaurin,	Farrow,
Holt,	McMillan,	Foreman.

EOR HAM. C. JONES,

Messrs.

Speaker,	Franklin,	Patton,
Adams,	D. A. Graham,	Patterson,
J. Barnes,	Graves,	Poindexter,
Barringer,	Hawkins,	Pope,
Beall,	Hoke,	Reid,
Boyden,	Huggins,	Robards,
Brogden,	Killian,	Russell,
Brummell,	Lilly,	Tomlinson,
Bryan,	Massey,	J. O'K. Williams,
Burns,	E. P. Miller,	Thompson,
G. W. Caldwell,	Moore,	F. Williams,
Carson,	Mendenhall,	Wilson,
J. W. Covington,	McClenehan,	Winston,
Eaton,	McLaurin,	Withers,
Ennett,	Paine,	Foreman.
Fleming,		

FOR GEORGE C. MENDENHALL,

Messrs.

Speaker,	Hawkins,	McCollum,
Adams,	Herring,	McLaughlin,
Baker,	Hill,	McLaurin,
Bannerman,	Hoke,	McMillan,
J. Barnes,	Holland,	McCleese,
Barringer,	Holt,	Neal,
Beall,	Huggins,	Paine,
Boyden,	Jacobs,	Patton,

Brannock,	Jefferson,	Pemberton,
Brogden,	Joiner,	Poindexter,
Brower,	H. C. Jones,	Pope,
Brummell,	J. B. Jones,	Powell,
Bryan,	C. Jones,	Proctor,
Burns,	Keener,	Ragan,
J. P. Caldwell,	Kerr,	Rand,
G. W. Caldwell,	Killian,	Reid,
Carson,	W. B. Lane,	Robards,
J. W. Covington,	Lilly,	Russell,
J. M. Covington,	Mangum,	Siler,
Dickson,	Massey,	Stallings,
Doak,	E. P. Miller,	Tomlinson,
Eaton,	J. T. Miller,	J. Walker,
Ennett,	W. J. T. Miller,	Whitehurst,
Fleming,	Mills,	J. O'K. Williams,
Franklin,	Monday,	Thompson,
Foreman,	Moore,	F. Williams,
J. Graham,	Morris,	Wilson,
Grandy,	Morrow,	Winston,
Graves,	Munroe,	Withers,
Gray,	Murchison,	Young.
Guyther,		

FOR PATRICK H. WINSTON,

Messrs.

Speaker,	Huggins,	McLaurin,
Allen,	Hyman,	McMillan,
Baker,	Jacobs,	Paine,
Bannerman,	Joiner,	Patton,
Beall,	H. C. Jones,	Pemberton,
Brower,	J. B. Jones,	Poindexter,
Brummell,	R. Jones,	Pope,
Bryan,	C. Jones,	Rand,
J. P. Caldwell,	W. B. Lane,	Reid,
G. W. Caldwell,	Lilly,	Robards,
Carson,	Massey,	Russell,
Chambers,	E. P. Miller,	Smith,
J. W. Covington,	W. J. T. Miller,	Spruill,
J. M. Covington,	Mills,	Stallings,
Eaton,	Monday,	Tomlinson,
Ennett,	Moore,	Wadsworth,
Fleming,	Mendenhall,	L. Walker,

Franklin,	Morris,	J. Walker,
D. A. Graham,	Morrow,	Whitehurst,
J. Graham,	Munroe,	F. Williams,
Grandy,	Murchison,	Wilson,
Graves,	McCleese,	Withers,
Gray,	McCollum,	Young,
Hoke,	McLaughlin,	Farrow.
Holt,		

FOR JOHN C. WILLIAMS,

MESSRS.

Allen,	Guthrie,	Munroe,
Baker,	Hawkins,	Murchison,
Bannerman,	Herring,	McClenehan,
J. Barnes,	Hoke,	McLaurin,
Barringer,	Holland,	Neal,
Beall,	Holt,	Patterson,
Biggs,	Huggins,	Pemberton,
Boyden,	Hyman,	Powell,
Brogden,	Jacobs,	Ragan,
Brower,	Jefferson,	Rand,
Burns,	H. C. Jones,	Reid,
G. W. Caldwell,	J. B. Jones,	Siler,
Cardwell,	R. Jones,	Spruill,
Carson,	Keener,	Sullivan,
Chambers,	Kerr,	Stallings,
J. M. Covington,	Killian,	Tomlinson,
Dickson,	Lilly,	Wadsworth,
Doak,	Mangum,	L. Walker,
Eaton,	Massey,	J. O'K. Williams,
Ennett,	J. T. Miller,	Thompson,
D. A. Graham,	Mills,	Winston,
J. Graham,	Monday,	Withers,
Grandy,	Morris,	Young.

FOR BURGESS S. GAITHER,

Messrs.

Allen,	Hyman,	Neal,
J. Barnes,	Jefferson,	Paine,
Barringer,	H. C. Jones,	Patton,
Biggs,	J. B. Jones,	Pemberton,
Boyden,	C. Jones,	Poindexter,

Brower,	Keener,	Proctor,
Brummell,	Kerr,	Reid,
Bryan,	Killian,	Robards,
J. P. Caldwell,	W. B. Lane,	Russell,
Carson,	Lilly,	Siler,
J. W. Covington,	E. P. Miller,	Smith,
J. M. Covington,	Mills,	Spruill,
Speaker,	W. J. T. Miller,	Wadsworth,
Doak,	Monday,	J. Walker,
Fleming,	Moore,	Whitehurst,
Franklin,	Mendenhall,	J. O'K. Williams,
D. A. Graham,	Morris,	Thompson,
J. Graham,	Morrow,	F. Williams,
Grandy,	Munroe,	Winston,
Gray,	Murchison,	Wilson,
Guthrie,	McCollum,	Withers,
Guyther,	McLaughlin,	Young,
Hoke,	McMillan,	Foreman,
Holland,	McCleese,	Farrow.
Holt,		

FOR JONATHAN WORTH,

Messrs.

Baker,	Guyther,	McCollum,
Bannerman,	Herring,	Guthrie,
Barringer,	Holt,	McLaughlin,
Beall,	Jefferson,	McLaurin,
Boyden,	Joiner,	McMillan,
Brannock,	H. C. Jones,	McCleese,
Brower,	Keener,	Neal,
Brummell,	W. B. Lane,	Paine,
Bryan,	Lilly,	Patton,
Burns,	Mangum,	Pemberton,
J. P. Caldwell,	Massey,	Powell,
Carson,	E. P. Miller,	Ragan,
Chambers,	Mills,	Smith,
J. W. Covington,	W. J. T. Miller,	Stallings,
J. M. Covington,	Mendenhall,	J. Walker.
Doak,	Morris,	L. Walker,
J. Graham,	Morrow,	Whitehurst,
Graves,	Monroe,	Wilson,
Gray,	Murchison,	Winston.

FOR CADWALLADER JONES, Jr.,

Messrs.

Speaker,	Hawkins,	Munroe,
Adams,	Herring,	Pope,
Baker,	Hill,	Powell,
Bannerman,	Hoke,	Proctor,
J. Barnes,	Holland,	Ragan,
Barringer,	Huggins,	Rand,
Biggs,	H. C. Jones,	Robards,
Boyd,	J. B. Jones,	Russell,
Brogden,	R. Jones,	Siler,
Burns,	Keener,	Spruill,
J. P. Caldwell,	Kerr,	Stallings,
G. W. Caldwell,	Killian,	Tomlinson,
Cardwell,	Mangum,	Wadsworth,
Chambers,	Massey,	L. Walker,
J. W. Covington,	J. T. Miller,	J. Walker,
Dickson,	W. J. T. Miller,	Whitehurst,
Eaton,	Munday,	Thompson,
Ennett,	Mendenhall,	Farrow,
Fleming,	Morrow,	Foreman.
Graves,		

FOR HENRY I. TOOLE,

Messrs.

Adams,	Guyther,	Munroe,
Allen,	Hawkins,	Patterson,
Baker,	Herring,	Pope,
Bannerman,	Holland,	Powell,
J. Barnes,	Joiner,	Ragan,
Biggs,	J. B. Jones,	Rand,
Boyden,	C. Jones,	Reid,
G. W. Caldwell,	R. Jones,	Siler,
Cardwell,	Kerr,	Sullivan,
Chambers,	Killian,	Stallings,
Carson,	Mangum,	Tomlinson,
Dickson,	Massey,	Wadsworth,
Eaton,	J. T. Miller,	L. Walker,
Ennett,	W. J. T. Miller,	J. Walker,
Grandy,	Munday,	J. O'K. Williams,
Graves,	Moore,	Foreman.
Guthrie,	Morrow,	

FOR RICHARD HINES,

Messrs.

Allen,	Keener,	Pope,
Adams,	Killain,	Proctor,
Biggs,	Mangum,	Ragan,
Dickson,	E. P. Miller,	Reid,
Grandy,	Mills,	Robards,
Guthrie,	W. J. T. Miller,	Smith,
Hawkins,	Moore,	Spruill,
Hill,	Morris,	Wadsworth,
Holt,	Munroe,	Whitehurst,
Huggins,	McClenahan,	J. O'K. Williams,
Hyman,	McCollum,	Thompson,
Jacobs,	McMillan,	Smith,
Jefferson,	McCleese,	Wilson,
Joiner,	Neal,	Farrow,
C. Jones,	Paine,	Foreman.
R. Jones,	Patterson,	

FOR JOHN H. HAUGHTON,

Messrs.

Adams,	Fleming,	Jacobs,
Bannerman,	Graves,	McClenahan,
J. Barnes,	Herring,	McCollum,
Biggs,	Hill,	Spruill.

FOR WM. H. HARDIN,

Messrs.

Allen,	Guyther,	McClenahan,
Baker,	Hill,	McMillan,
J. P. Caldwell,	Jacobs,	McCleese,
G. W. Caldwell,	C. Jones,	Patterson,
Cardwell,	Killian,	Pemberton,
J. M. Covington,	W. B. Lane,	Poindexter,
Franklin,	Moore,	Young,
Guthrie,	Murchison,	Farrow.

FOR MAURICE Q. WADDELL,

Messrs.

Boyden,	W. B. Lane,	Patterson,
Brower,	E. P. Miller,	Smith,

D. A. Graham,
J. Graham,
Guthrie,
Hyman,

J. T. Miller,
McLaughlin,
McLaurin,

Stallings,
Wadsworth,
F. Williams.

FOR WM. A. WRIGHT,

Messrs.

Bannerman,
Biggs,
Burns,
Chambers,
Dickson,
Ennett,

Herring,
Hill,
C. Jones,
R. Jones,
Kerr,
J. T. Miller,

Morrow,
Powell,
Ragan,
Sullivan,
L. Walker,
J. Walker.

FOR MR. KERR,

Mr. Boyd.

FOR W. N. EDWARDS,

Mr. Boyd.

FOR J. W. WILLIAMS,

Mr. Boyd.

FOR THOMAS WARD,

Messrs.

Boyd,

Sullivan.

FOR W. J. T. ORR,

Messrs.

Boyd,

Holland.

FOR ASA BIGGS,

Messrs.

Boyd,

Holland.

FOR SAMUEL ARRINGTON,

Messrs.

Boyd,
Hawkins,

Herring, Sullivan.

FOR JOHN A. MEBANE,

Messrs.

Brannock, Doak, D. A. Graham,

FOR A. HARGRAVE,

Mr. Brannock.

FOR J. A. GILMER,

Messrs.

Brannock, Doak, Gray.

FOR GILES W. PEARSON,

Messrs.

Brannock, Doak.

FOR ED. DEBERRY,

Messrs.

Brannock, Doak.

FOR J. WHITE,

Mr. Brannock.

FOR WM. W. CHERRY,

Messrs.

Fleming, Proctor, Smith.

FOR H. L. ROBARDS,

Messrs.

Brogden, Mendenhall.

FOR JOHN H. HAWKINS,

Messrs.

Cardwell,	Mangum,	Sullivan,
Chambers,	Morrow,	L. Walker,
Dickson,	Powell,	J. Walker.

FOR P. C. POPE,

Messrs.

Hawkins, Sullivan.

FOR CALVIN GRAVES,

Messrs.

Cardwell,

Holland.

FOR WM. S. BAKER,

Mr. Cardwell.

FOR LEVI WALKER,

Mr. Cardwell.

FOR DAVID REID,

Mr. Sullivan.

Mr. Holt presented a petition from many citizens of the county of Orange, together with a bill to carry their prayer into effect, entitled a bill to lay off and establish a county by the name of Allemanee. The said bill was read the first time and passed.

Mr. J. P. Caldwell presented a petition from sundry citizens of Iredell county, praying that a law be passed to prevent the felling of timber in Fifth Creek, in said county. Referred to the Committee on Propositions & Grievances.

Mr. J. P. Caldwell presented also a counter petition on the same subject, from citizens of Iredell county; which was likewise referred to the same committee.

Mr. Boyden presented a bill to prevent frauds in the execution of Deeds of Trust; Mr. J. W. Covington a bill to repeal an act, entitled an act to appoint a committee of finance, for the county of Richmond, passed at the session 1829-'30; and Mr. Sullivan a bill to secure to Mary Sandlin, of Duplin county, such property as she may hereafter acquire. These bills were read the first time and passed.

Received a message from the Senate, concurring in the proposition of this House, that Saturday the 19th inst. be set apart for the purpose of recommending justices of the peace for the several counties.

A message from the Senate, concurring in the proposition to vote on Tuesday next at 12 o'clock, for a Judge of the Superior Courts, in the place of R. M. Saunders, resigned—and informing that Messrs. Hellen and Pasteur form their branch of the committee to superintend the election.

A message from the Senate, concurring in the proposition of this House to vote on Wednesday next for Counsellors of State—and informing that Messrs. Faison and Sloan form their branch of the committee to superintend the voting.

A message from the Senate, transmitting the report of the joint select committee on Public Buildings, and proposing that it be printed. The proposition was concurred in.

Mr. Mendenhall presented a resolution in favor of George Hoover, of Randolph county: which was read the first time and passed, and referred to the Committee on Claims.

Mr. Siler presented a resolution in favor of Travis Elmore; which was read, and on motion of Mr. Siler, referred to the Committee on Cherokee lands.

Mr. Smith presented a bill to repeal the several acts therein named, relating to the town of Murfreesborough; which was read the first time and passed, and, on motion of Mr. Smith, referred to the Committee on Private Bills.

Mr. J. B. Jones, from the joint select committee on the Fisheries, reported unfavorably on the bill to prevent the passage of Fish of Roanoke and Cashie rivers. The report was read, and, on motion of Mr. Spruill, laid on the table; and, on the motion of Mr. Paine, made the order of the day for Thursday next.

The bill to expedite legal process, was read the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DEC. 15, 1840.

Mr. Neal called up for consideration the bill to lay off and establish a county by the name of McDowell; when the said bill was read the second time and passed—yeas 55, nays 50.

The yeas and nays demanded by Mr. Bannerman,

Those who voted in the affirmative, were

Messrs.

Barringer,	Hoke,	McCollum,
Boyden,	Holland,	McLaughlin,
Brammcock,	Holt,	McLaurin,
Brower,	Jefferson,	McMillan,
Brummell,	H. C. Jones,	Neat,
Bryan,	Keener,	Paine,
Burns,	Killian,	Patton,
G. W. Caldwell,	W. B. Lane,	Pemberton,
Carson,	Lilly,	Poindexter,
J. M. Covington,	Mendenhall,	Reid,
J. W. Covington,	E. P. Miller,	Robards,
Doak,	W. J. T. Miller,	Russell,
Fleming,	Mills,	Siler,
Franklin,	Monday,	J. Walker,
J. R. Gilliam,	Morris,	F. Williams,
D. A. Graham,	Morrow,	Winston,
J. Graham,	Munroe,	Withers,
Gray,	Murchison,	Young.
Hill,		

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Patterson,
Allen,	Graves,	Powell,
Baker,	Guyther,	Proctor,
Bannerman,	Hawkins,	Ragan,
J. Barnes,	Herring,	Rand,
Biggs,	Huggins,	Smith,
Boyd,	Hyman,	Sullivan,
Brogden,	Jacobs,	Stallings,
Cardwell,	Joiner,	F. Taylor,
Chambers,	J. B. Jones,	Tomlinson,
Clegg,	C. Jones,	Wadsworth,
Dickson,	R. Jones,	L. Walker,
Eaton,	Kerr,	Whitehurst,
Ennett,	Mangum,	J. O'K. Williams,
Farrow,	Massey,	Wilson,
Foreman,	Moore,	Ziglar.
Gee,	McCleese,	

Mr. Reid called up for consideration, the Bill to regu-

late the time of holding the Superior Court of Moore at its next ensuing term; when the said bill was read the third time, passed, and ordered to be engrossed.

Mr. Pope, from the committee appointed to superintend the election of eight Trustees of the University, reported that Burgess S. Gaither, George C. Mendenhall, John C. Williams, Bartholomew F. Moore, Weston R. Gales, Jonathan Worth, Cadwallader Jones, jr., and Patrick H. Winston, had each received a majority of the whole number of votes, and that they were duly elected. The report was concurred in.

A message from the Senate, concurring in the proposition of this House to refer so much of the late communication from the Governor as relates to Cherokee Lands, to the joint select committee heretofore raised on that subject.

Mr. Boyden moved that the bill to incorporate the Little River Manufacturing Company, be referred to a joint select committee, with instructions to inquire into the expediency of passing a general law for security of the creditors of incorporated companies, and that a message be sent to the Senate, asking their concurrence therein.—The question on this motion was decided in the affirmative.

Mr. John B. Jones, from the committee on the fisheries, reported unfavorably on the bill to amend an act, entitled an act to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters; and Mr. Smith, on behalf of the minority of said committee, made a counter report, proposing sundry amendments to the bill, when the said bill and reports were, on motion of Mr. Smith, laid on the table.

Mr. Reid presented a bill for the better regulation of the County Courts of Cumberland; which was read the first time and passed.

Mr. J. Walker presented a memorial from sundry officers in the militia of the county of Mecklenburg, praying the passage of a law, compelling the commanding officers of said regiments to drill the commissioned and non-commissioned officers under their command at least three days in each year.

The said paper was read and referred to the committee on military affairs.

Mr. Boyden presented a bill to provide for the distribution of the proceeds of lands sold for partition in certain cases; which was read the first time and passed.

Mr. Patterson presented a bill to alter the laws respecting auction sales; which was read the first time and passed, and referred, on Mr. Patterson's motion, to the Committee on the Judiciary.

The bill to amend an act entitled an act concerning the seat of government and public buildings, was read the third time, passed, and ordered to be engrossed.

The bill concerning the collection of debts by the Banks of this State, was read, and on motion of Mr. J. P. Caldwell, laid on the table.

A message from the Senate, concurring in the proposition of this House, to refer so much of the Governor's message as relates to the repair of the Governor's residence to a Joint Select Committee, and informing that Messrs. Mitchell, Hawkins and Moore form their branch of the Committee.

Ordered, That Messrs. Patton, Reid, J. Graham, Fleming and Young form said committee on the part of this House.

A message from the Senate, concurring in the proposition of this House to refer so much of the late communication from His Excellency the Governor as relates to the resolutions from Vermont to a Joint Select Committee, and informing that Messrs. Waddell, Edwards and Parks form their branch of said committee.

Ordered, That Messrs. Paine, McClenchan, Stallings, McCollum, G. W. Caldwell form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to amend the law concerning the fees of coroners; and the engrossed resolution in favor of Mark H. Hill, and asking the concurrence of this House.

The said bill and resolution were each read the first time and passed.

Mr. Poindexter, from the Committee on Claims, reported without amendment the resolution in favor of Wm. Young, and recommended its passage. The said resolution was thereupon read and adopted, and ordered to be engrossed.

The House now proceeded to the execution of the Joint Order, and voted for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Romulus M. Saunders—Messrs. W. B. Lane and Bryan being superintendents of the election.

FOR EDWARD HALL,

Messrs.

Speaker,	Hawkins,	McClenahan,
Baker,	Hill,	McMillan,
J. Barnes,	Hoke,	Neal,
Biggs,	Holt,	Patterson,
Burns,	Jacobs,	Pope,
G. W. Caldwell,	Jefferson,	Rand,
Carson,	Killian,	Robards,
Chambers,	Mangum,	Russell,
Clegg,	Massey,	Spruill,
Eaton,	Mills,	Tompson,
Foreman,	Moore,	Winston.
Gee,		

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	Graves,	Munroe,
Allen,	Gray,	Murchison,
Bannerman,	Guthrie,	McCollum,
Barringer,	Herring,	McLaughlin,
Boyden,	Huggins,	McLaurin,
Brannock,	Hyman,	Powell,
Brogden,	Joiner,	Ragan,
Brower,	H. C. Jones,	Reid,
Brummell,	Kerr,	Siler,
Bryan,	W. B. Lane,	Sullivan,
J. W. Covington,	I. W. Lane,	Tomlinson,
Dickson,	Lilly,	Wadsworth,
Doak,	E. P. Miller,	Whitehurst,
Ennett,	W. J. T. Miller,	J. O'K. Williams.
Farrow,		

FOR AUGUSTUS MOORE,

Messrs.

J. P. Caldwell,	Keener,	Smith,
J. M. Covington,	Mendenhall,	Stallings,
Fleming,	Monday,	L. Walker,
Franklin,	Morris,	J. Walker,
J. R. Gilliam,	McCleese,	F. Williams,
D. A. Graham,	Paine,	Wilson,
J. Graham,	Patton,	Withers,

Grandy,
Guyther,
J. B. Jones,
C. Jones,

Pemberton,
Poindexter,
Proctor,

Young,
Ziglar,
R. Jones.

FOR ROBERT STRANGE,

Messrs.

Boyd,

Holland,

Morrow.

FOR WM. H. HAYWOOD, JR.,

MESSRS.

Cardwell,

F. Taylor.

FOR WM. A. WRIGHT.

Mr. James T. Miller.

Mr. W. B. Lane, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing to vote again immediately for this officer. The proposition was agreed to, and Messrs. Guyther and Jefferson appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Moye and Etheridge form said committee on their part.

The House then proceeded to vote as follows:

FOR EDWARD HALL,

MESSRS.

Speaker,
Baker,
Bannerman,
J. Barnes,
Burns,
G. W. Caldwell,
Chambers,
Clegg,
Eaton,

Graves,
Hawkins,
Hill,
Holland,
Holt,
Jacobs,
Killian,
Mangum,
Massey,

McCollum,
Neal,
Patterson,
Pope,
Rand,
Robards,
Russell,
Spruill,
F. Taylor,

Foreman,	Mills,	Thompson,
Gee,	Moore,	Winston.
J. Graham,	McClenehan,	

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	Fleming,	J. T. Miller,
Allen,	Gray,	W. J. T. Miller,
Barringer,	Guthrie,	Munroe,
Boyden,	Herring,	Murchison,
Brannock,	Huggins,	McLaughlin,
Brogden,	Hyman,	McLaurin,
Brower,	Jefferson,	Powell,
Brummell,	Joiner,	Ragan,
Bryan,	H. C. Jones,	Reid,
Carson,	Keener,	Siler,
J. W. Covington,	Kerr,	Sullivan,
Dickson,	I. W. Lane,	Wadsworth,
Doak,	Lilly,	Whitehurst,
Ennett,	E. P. Miller,	J. O'K. Williams.
Farrow,		

FOR AUGUSTUS MOORE,

MESSRS.

Biggs,	R. Jones,	Stallings,
J. P. Caldwell,	Mendenhall,	Tomlinson,
J. M. Covington,	Monday,	L. Walker,
Franklin,	Morris,	J. Walker,
J. R. Gilliam,	Morrow,	F. Williams,
D. A. Graham,	McMillan,	Wilson,
Grandy,	Paine,	Withers,
Guyther,	Patton,	Young,
Hoke,	Poindexter,	Pemberton,
J. B. Jones,	Proctor,	Ziglar.
C. Jones,	Smith,	

FOR ROBERT STRANGE,

Mr. Boyd.

FOR WM. H. HAYWOOD, JR.

Mr. Cardwell.

Mr. Jefferson from the Committee appointed to con-

duct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing to vote again immediately for this officer. The proposition was concurred in, and Messrs. Holt and Doak appointed a committee to conduct this election.

A message from the Senate, informing that Messrs. Albright and Orr, form said committee on the part of the Senate. The House then voted as follows:

FOR EDWARD HALL,

Messrs.

Speaker,	Hill,	McClenehan,
Baker,	Holland,	McCollum,
J. Barnes,	Holt,	Neal,
G. W. Caldwell,	Jacobs,	Patterson,
Chambers,	Killian,	Pope,
Clegg,	W. B. Lane,	Rand,
Eaton,	Mangum,	Robards,
Foreman,	Massey,	Russell,
Gee,	J. T. Miller,	Spruill,
J. Graham,	Mills,	F. Taylor,
Graves,	Moore,	Thompson,
Hawkins,		

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	Doak,	E. P. Miller,
Allen,	Ennett,	Munroe,
Barringer,	Farrow,	McLaughlin,
Beall,	Gray,	Powell,
Boyden,	Guthrie,	Ragan,
Brannock,	Herring,	Reid,
Biogden,	Huggins,	Siler,
Brower,	Hyman,	Sullivan,
Brummell,	Joiner,	Tomlinson,
Bryan,	H. C. Jones,	Wadsworth,
Carson,	Keener,	Whitehurst,
J. W. Covington.	Kerr,	J. O'K. Williams.
Dickson,	I. W. Lane,	

FOR AUGUSTUS MOORE,

Messrs.

Bannerman,	C. Jones,	Pemberton,
Biggs,	R. Jones,	Poindexter,
Burns,	Lilly,	Proctor
J. P. Caldwell,	Mendenhall,	Smith,
J. M. Covington,	W. J. T. Miller,	Stallings,
Franklin,	Monday,	L. Walker,
Fleming,	Morris,	J. Walker,
J. R. Gilliam,	Morrow,	F. Williams,
D. A. Graham,	Murchison,	Winston,
Grandy,	McCleese,	Wilson,
Guyther,	McLaurin,	Withers,
Hoke,	McMillan	Young,
Jefferson,	Paine,	Ziglar.
J. B. Jones,	Patton,	

FOR WM. H. HAYWOOD, Jr.

Mr. Cardwell.

FOR MICHAEL HOKE,

Mr. Boyd.

Mr. Holt, from the committee of superintendence, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. Biggs presented a bill concerning Deputy Sheriffs, and Mr. Keener a bill to encourage the destruction of Wolves in the county of Haywood. These bills were read the first time and passed.

Mr. Winston from the Committee on the Judiciary, reported unfavorably on the bill to amend the Patrol Laws of the State, when said bill was read, and on motion of Mr. Withers, postponed indefinitely.

The bill to amend the several Revised Statutes, entitled an act concerning Sheriffs, an act concerning the Clerks of the County and Superior Courts, and an act concerning Constables, was read the third time, amended and passed, and ordered to be engrossed.

The engrossed bill to prevent betting on Elections, was read the second time.

Mr. Boyden moved that said bill be indefinitely postponed. The question thereon was determined in the negative—yeas 55, nays 56.

The yeas and nays demanded by Mr. Brannock.

Those who voted in the affirmative, were

Messrs.

Aller,	Gray,	McClenehan,
Bannerman,	Guthrie,	McLaughlin,
Boyd,	Guyther,	Neal,
Boyden,	Hawkins,	Patton,
Brogden,	Herring,	Pope,
Brummell,	Holland,	Pcwell,
Bryan,	H. C. Jones,	Proctor,
G. W. Caldwell,	C. Jones,	Ragan,
Chambers,	R. Jones,	Rand,
Clegg,	Keener,	Robards,
Dickson,	Killian,	Russell,
Eaton,	I. W. Lane,	Spruill,
Ennett,	Manguin,	Sullivan,
Fleming,	Massey,	Stallings,
Franklin,	E. P. Miller,	F. Taylor,
Gee,	J. T. Miller,	Tomlinson,
J. R. Gilliam,	Morrow,	Wilson,
J. Graham,	Mutchison,	Ziglar.
Grandy,		

Those who voted in the negative, were

Messrs.

Adams,	Holt,	McMillan,
Baker,	Huggins,	Patterson,
J. Barnes,	Hyman,	Pemberton,
Beall,	Jacobs,	Poindexter,
Biggs,	Jefferson,	Reid,
Brannock,	Joiner,	Siler,
Brower,	J. B. Jones,	Smith,
Burns,	Kerr,	Thompson,
J. P. Caldwell,	W. B. Lane,	Wadsworth,
Cardwell,	Lilly,	J. Walker,
Carson,	Mendenhall,	L. Walker,
J. W. Covington,	W. J. T. Miller,	Whitehurst,
J. M. Covington,	Mills,	J. O'K. Williams,
Doak,	Monday,	F. Williams,

Foreman,
D. A. Graham,
Graves,
Hill,
Hoke,

Moore,
Morris,
Munroe,
McCollum,
McLaurin,

Winston,
Withers,
Barringer,
Young.

The question recurring on the passage of the bill the second reading, on motion, the House adjourned until tomorrow morning, ten o'clock.

WEDNESDAY, DEC. 16, 1840.

Mr. Murchison presented a bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; which was read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of passing a law to supply the records of Courts, and other public papers destroyed by fire, reported that it is not expedient to pass any general law upon the subject, and prayed to be discharged from the further consideration of the subject.

Mr. Winston, from the same committee, to whom was referred the bill to prevent the selling of unmatured crops, reported unfavorably thereon. The said bill was read the second time and passed.

Mr. Robards presented a petition from sundry citizens of the town of Henderson, praying the establishment of a Bank at that place. The said petition was, on motion of Mr. Robards, ordered to be sent to the Senate, with a proposition that it be referred to a Joint Select Committee of five on the part of each House.

Mr. Poindexter, from the Committee on Claims, reported the resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, with an amendment. The said resolution was read the second time, amended and passed.

Received a message from the Senate, proposing that the two Houses do vote again immediately for a Judge of the

Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders.

The proposition was concurred in, and Messrs. King and Withers appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Puryear and Pollock form their branch of said committee.

The House then proceeded to vote as follows:

FOR EDWARD HALL,

Messrs.

Speaker,	Gee,	Moore,
Baker,	J. Graham,	McClenehan,
J. Barnes,	Hawkins,	McMillan,
Beall,	Hill,	Neal,
Biggs,	Holland,	Patterson,
Brannock,	Holt,	Pope,
Carson,	Jacobs,	Rand,
Clegg,	Killian,	Robards,
J. M. Covington,	Mangum,	Russell,
Doak,	Massey,	Spruill,
Eaton,	Mills,	F. Taylor,
Foreman,	Monday,	Thompson.

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	Gray,	Munroe,
Allen,	Guthrie,	Murchison,
Bannerman,	Herring,	McCollum,
Barringer,	Huggins,	McLaughlin,
Boyden,	Hyman,	Peimberton,
Brogden,	Joiner,	Powell,
Brower,	H. C. Jones,	Reid,
Bryan,	Kerr,	Siler,
J. W. Covington,	King,	Sullivan,
Davis,	W. B. Lane,	J. W. Taylor,
Dickson,	I. W. Lane,	Tomlinson,
Ennett,	Lilly,	Wadsworth,
Farrow,	E. P. Miller,	Whitehurst,
Franklin,	W. J. T. Miller,	J. O'K. Williams
Graves,	Morris,	Withers.

FOR AUGUSTUS MOORE,

Messrs.

Brummell,	J. B. Jones,	Proctor,
Burns,	R. Jones,	Smith,
J. P. Caldwell,	Keener,	Stallings,
Fleming,	J. T. Miller,	L. Walker,
J. R. Gilliam,	McCleese,	J. Walker,
D. A. Graham,	McLaurin,	F. Williams,
Grandy,	Paine,	Winston,
Guyther,	Patton,	Wilson,
Hoke,	Poindexter,	Young.

FOR MICHAEL HOKE,

Messrs.

Boyd,	Cardwell,	O. Jones,
G. W. Caldwell,	Jefferson,	Mendenhall.

FOR ROBERT STRANGE,

Mr. Morrow.

FOR GEORGE C. MENDENHALL,

Mr. Ziglar.

Mr. Withers, from the committee appointed to conduct this election, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Received a message from the Senate, proposing to vote on to-morrow, at 11 o'clock, for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of John D. Toomer. Said message was, on motion of Mr. Spruill, laid on the table.

A message from the Senate, transmitting a bill to alter the times of holding the Fall Term of the Superior Courts of Law and Equity, for the counties of Hyde, Beaufort, Lenoir, Greene; and proposing that said bill be referred to a joint select committee consisting of the members of both Houses from the second Judicial Circuit.

Received from his Excellency the Governor, by his Private Secretary, a message transmitting the annual report of the Treasurer of the Trustees of the University, together with the report of the committee of said board, raised to audit and settle the accounts of the Treasurer.

Ordered, On motion of Mr. Barringer, that the message be sent to the Senate, with a proposition that the message and accompanying documents be printed.

The resignation of Louis D. Wilson, as a Trustee of the University of North Carolina, was presented, read and accepted.

The bill to lay off and establish a county by the name of Caldwell, was read the third time, passed, and ordered to be engrossed.

Mr. McLaurin presented a bill to abolish the Fair at or near Laurel Hill, in the county of Richmond. Said bill was read the first time and passed, and referred on Mr. McLaurin's motion, to the Committee on Propositions and Grievances.

A message from the Senate, informing that Messrs. Gaither and Wilson form on their part the joint select committee on enrolled bills.

Ordered, That Messrs. Burns, Biggs, Murchison and Baker form said committee on behalf of the Commons.

Mr. Barringer, from the Committee on Internal Improvements, reported the bill to authorise the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford county, to the widow Sails's, in Buncombe, with an amendment.

Ordered, on motion of Mr. Mills, that the report and bill be laid on the table.

The engrossed bill to purchase a library was read the second time and rejected.

A message from the Senate, informing that they had passed the engrossed bill giving longer time to register grants of land in this State, deeds of mesne conveyance, powers of attorney, &c., with an amendment, and asking concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they insist on their amendments to the engrossed resolutions concerning the apartments in the capitol.

Mr. Guthrie moved that the House do recede from their disagreement to said amendments. This question was decided in the negative; and thereupon, on motion of Mr. Hill,

Ordered, That a message be sent to the Senate, informing that this House do insist likewise on their disagreement to the said amendments of the Senate, and proposing that a Committee of Conference, consisting of three on

the part of each House, be raised on the subject of said disagreement.

Mr. Poindexter, from the Committee on Claims, presented a resolution in favour of the heirs of Ann Morrison; which was read the first time and passed.

A message from the Senate, proposing that another vote be had immediately for a Judge of the Superior Courts, in the place of R. M. Saunders resigned. The proposition was agreed to; and Messrs. McMillan and Carson appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Melchor and Sloan form said committee on their part.

The House then voted as follows:

FOR EDWARD HALL,

Messrs.

Speaker,	Hawkins,	McMillan,
Baker,	Hill,	Neal,
J. Barnes,	Holland,	Patterson,
E. Barnes,	Holt,	Pope,
Beall,	Jacobs,	Rand,
Biggs,	Jefferson,	Robards,
Carson,	Killiar,	Russell,
Clegg,	Mangum,	Spruill,
Eaton,	Massey,	F. Taylor,
Foreman,	J. T. Miller,	Thompson,
Gee,	Mills,	Withers.
J. Graham,	Monday,	

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	Fleming,	Murchison,
Allen,	Graves,	McClenehan,
Bannerman,	Gray,	McCollum,
Barringer,	Guthrie,	McLaughlin,
Boyden,	Herring,	Pemberton,
Brannock,	Huggins,	Powell,
Brogden,	Hyman,	Ragan,
Brower,	Joiner,	Reid,
Brummell,	H. C. Jones,	Siler,
Bryan,	Kerr,	Sullivan,
Burns,	King,	J. W. Taylor,
Cardwell,	W. B. Lane,	Tomlinson,

J. W. Covington,	I. W. Lane,	Wadsworth,
Davis,	Lilly,	Whitehurst,
Dickson,	E. P. Miller,	J. O'K. Williams,
Doak,	W. J. T. Miller,	F. Williams.
Ennett,	Munroe,	

FOR AUGUSTUS MOORE,

Messrs.

J. P. Caldwell,	C. Jones,	Proctor,
J. M. Covington,	R. Jones,	Smith,
Franklin,	Keener,	Stallings,
J. R. Gilliam,	Mendenhall,	L. Walker,
D. A. Graham,	Morris,	Winston,
Grandy,	Paine,	Wilson,
Guyther,	Patton,	Young,
Hoke,	Poindexter,	Ziglar.
J. B. Jones,		

FOR ROBERT STRANGE,

Messrs.

G. W. Caldwell,	Morrow,	J. Walker.
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FOR MR. HOKE,

Mr. Boyd.

The bill for the relief of the Wilmington and Raleigh Rail Road Company was read the second time.

Mr. Biggs moved to amend the bill, by striking out the 11th section, and inserting the following, viz:

That the General Assembly may, at any time, appoint a committee to examine into the situation of the said company, may direct the mortgage to be foreclosed according to the provisions heretofore prescribed, whenever they think proper; and the General Assembly shall have power at any time, if the stockholders of the said company accept the relief herein before provided, to alter, modify or repeal the charter of said company.

Mr. Barringer moved to amend the amendment, by striking out all after the words whenever they think proper. The question on Mr. Barringer's motion, was determined in the affirmative—yeas 62, nays 45.

The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	McMillan,
Beall,	Hill,	Neal,
Brannock,	Huggins,	Paine,
Brower,	Hyman,	Patton,
Brummell,	Jacobs,	Pemberton,
Bryan,	Jefferson,	Pope,
Burns,	Joiner,	Reid,
J. P. Caldwell,	H. C. Jones,	Russell,
Cardwell,	Keener,	Siler,
Carson,	W. B. Lane,	Spruill,
Clegg,	Lilly,	J. W. Taylor,
J. W. Covington,	Mendenhall,	Thompson,
J. M. Covington,	E. P. Miller,	Wadsworth,
Doak,	W. J. T. Miller,	Whitehurst,
Foreman,	Mills,	J. O'K. Williams,
Franklin,	Morris,	F. Williams,
Gee,	Murchison,	Wilson,
J. R. Gilliam,	McClenehan,	Winston,
D. A. Graham,	McCollum,	Withers,
Graves,	McLaughlin,	Young.
Gray,	McLaurin,	

Those who voted in the negative, were

Messrs.

Adams,	Kerr,	Hawkins,
Allen,	Killian,	Herring,
Baker,	King,	Holland,
G. W. Caldwell,	Biggs,	I. W. Lane,
Davis,	Boyd,	Mangum,
Dickson,	Brogden,	Massey,
Ennett,	Munroe,	J. T. Miller,
Farrow,	McCleese,	Monday,
Fleming,	Patterson,	Morrow,
Bannerman,	Powell,	Stallings,
J. Barnes,	Ragan,	F. Taylor,
E. Barnes,	Rand,	Tomlinson,
J. B. Jones,	J. Graham,	L. Walker,
C. Jones,	Grandy,	J. Walker,
R. Jones,	Guyther,	Ziglar.

On motion of Mr. Brogden, ordered that the bill and amendment be laid on the table.

The bill to lay off and establish a new county by the name of McDowell, was read the third time, and the question shall the said bill pass the third reading, was determined in the affirmative—yeas 54, nays 43. The yeas and nays demanded by Mr. Kerr.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	Morrow,
Boyden,	Guyther,	Munroe,
Brannock,	Hill,	Murchison,
Brower,	Hoke,	McClenehan,
Brummell,	Holland,	McCollum,
Bryan,	Holt,	McLaughlin,
Burns,	Jefferson,	McLaurin,
G. W. Caldwell,	H. C. Jones,	McMillan,
Carson,	Keener,	Neal,
Clegg,	King,	Paine,
J. W. Covington,	W. B. Lane,	Patton,
J. M. Covington,	Lilly,	Pemberton,
Doak,	Mendenhall,	Poindexter,
Fleming,	E. P. Miller,	Robards,
Franklin,	W. J. T. Miller,	Russell,
D. A. Graham,	Mills,	J. Walker,
J. Graham,	Monday,	F. Williams,
Gray,	Morris,	Young.

Those who voted in the negative, were

Messrs.

Adams,	Foreman,	Moore,
Allen,	Gee,	McCleese,
Baker,	Grandy,	Patterson,
Bannerman,	Graves,	Powell,
J. Barnes,	Hawkins,	Ragan,
E. Barnes,	Herring,	Sullivan,
Biggs,	Jacobs,	Stallings,
Boyd,	Joiner,	G. W. Taylor,
Brogden,	J. B. Jones,	F. Taylor,
J. P. Caldwell,	R. Jones,	Tomlinson,
Cardwell,	Kerr,	L. Walker,
Davis,	I. W. Lane,	Whitehurst,

Dickson,
Ennett,
Farrow,

Mangum,
Massey,

J. O'K. Williams,
Wilson.

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Caldwell, was read the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DEC. 17, 1840.

Mr. McMillan from the committee appointed yesterday to superintend the election of a Judge of the Superior Courts to fill the vacancy occasioned by the resignation of R. M. Saunders, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Mr. Barringer from the committee on Internal Improvements, reported unfavorably on the petition from Iredell, praying an alteration in the road laws, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mangum presented a resolution for distributing the Revised Statutes, which was read the first time and passed.

Mr. Reid from the committee on Propositions and Grievances, reported unfavorably on the petitions from Iredell county, relative to the felling of timber in Fifth Creek, & asked to be discharged from the further consideration of the subject. The report was concurred in.

Received a message from the Senate, proposing to vote again immediately for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of R. M. Saunders. The proposition was concurred in, and Messrs. Wilson and Mangum appointed a committee to superintend the election on the part of this House.

A message from the Senate, informing that Messrs. Moye and Ward form their branch of said committee.

Mr. J. R. Gilliam withdrew from the nomination Augustus Moore.

The House then proceeded to vote as follows:

FOR EDWARD HALL,

Messrs.

Speaker,	Jefferson,	Patterson,
Baker,	C. Jones,	Pope,
J. Barnes,	R. Jones,	Rand,
Biggs,	Killian,	Robards,
Boyd,	Mangum,	Russell,
G. W. Caldwell,	Massey,	Smith,
Eaton,	Mills,	Spruill,
Foreman.	Monday,	Stallings,
Gee,	Moore,	F. Taylor,
Hawkins,	Morrow,	Thompson,
Hill,	McCleese,	Winston,
Holland,	Neal,	Ziglar.
Jacobs,		

FOR MATTHIAS E. MANLY,

Messrs.

Adams,	D. A. Graham,	McCollum,
Allen,	Graves,	McLaughlin,
Bannerman,	Gray,	McLaurin,
E. Barnes,	Guyther,	McMillan,
Barringer,	Herring,	Patton,
Beall,	Holt,	Pemberton,
Boyden,	Huggins,	Poindexter,
Brannock,	Hyman,	Powell,
Brummell,	Joiner,	Ragan,
Bryan,	H. C. Jones,	Reid,
Burns,	Keener,	Siler,
J. P. Caldwell,	Kerr,	Sullivan,
Cardwell,	King,	J. W. Taylor,
Carson,	W. B. Lane,	Tomlinson,
Clegg,	I. W. Lane,	Wadsworth,
J. M. Covington,	Lilly,	L. Walker,
J. W. Covington,	Mendenhall,	J. Walker,
Davis,	E. P. Miller,	Whitehurst,
Dickson,	W. J. T. Miller,	J. O'K. Williams.
Doak,	Morris,	F. Williams,
Ennett,	Munroe,	Wilson,

Farrow,	Murchison,	Withers,
Fleming,	McClenehan,	Young.
Franklin,		

FOR M. HOKE,

Messrs.

Grandy, J. B. Jones.

FOR A. MOORE,

Messrs.

Paine, Proctor.

FOR WM. A. WRIGHT,

Mr. J. T. Miller.

FOR P. H. MANGUM,

Mr. Chambers.

Mr. Wilson, from the committee appointed to superintend the election, reported that Matthias E. Manly had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity for this State. The report was concurred in.

Mr. Eaton presented a petition from George Little, praying to be reimbursed for a certain sum of money paid into the Public Treasury, for a lot of ground purchased by him from the State, the title to which was defective.

Said petition was, on motion of Mr. Eaton, referred to the Committee on Claims.

Mr. Spruill moved that the House do now reconsider their vote of yesterday, whereby was rejected the bill to purchase a library. The question thereon was decided in the affirmative; and, on motion of Mr. Mendenhall,

Ordered, That said bill be laid on the table.

Mr. Moore presented a bill to amend the Revised Statutes, entitled an act concerning Registers; which was read the first time and passed, and referred, on Mr. Moore's motion, to the Committee on the Judiciary.

Mr. McLaurin presented a petition from sundry citizens of Richmond and Robeson counties, asking an appropriation of money for the improvement of Lumber River.

Ordered, on Mr. McLaurin's motion, that the petition be referred to the Committee on Internal Improvements. X

Mr. J. P. Caldwell introduced a bill to amend an act passed in the session of 1838, entitled an act to divide the counties into school districts and for other purposes; which was read the first time and passed, and on motion of Mr. Withers,

Ordered, That the bill be printed. X

A message from the Senate, concurring in the proposition of this House to refer the bill to incorporate the Little River Manufacturing Company to a joint select committee, and informing that Messrs. Dockery, Myers, Hellen, Whitfield and Sloan, form their branch of said committee.

Ordered, That Messrs. Boyden, Hoke, Moore, Morris and Reid, form said committee on behalf of the Commons.

A message from the Senate, concurring in the proposition of this House to refer the memorials from the citizens of Henderson on the subject of establishing a Bank at that place, to a Joint Select Committee of five on the part of each House, and informing that Messrs. Gaither, Hawkins, Johnson, Orr and Ribelin form their branch of said committee.

Ordered, That Messrs. Robards, Mendenhall, W. J. T. Miller, R. Jones and Withers form said committee on behalf of the Commons.

Mr. Barringer called up for consideration the engrossed resolution calling upon the Governor for information relating to the state and condition of the University of North Carolina; when said resolution was read and adopted.

A message was sent to the Senate, proposing that the two Houses do vote immediately for Counsellors of State.

The proposition was concurred in by the Senate, and the House informed that Messrs. Myers and Arrington formed on the part of the Senate their branch of the committee to superintend the election.

Ordered, That Messrs. W. J. T. Miller and Powell form said committee on behalf of this House.

The House then voted as follows:

FOR LOUIS D. WILSON,

Messrs.

Baker,
Bannerman,

Hoke,
Holland,

J. T. Miller,
Morrow,

Boyd,	Kerr,	Munroe,
Cardwell,	R. Jones,	Patterson,
Davis,	I. W. Lane,	Powell,
Dickson,	Mangum,	Reid,
Hawkins,	Massey,	L. Walker.
Herring,		

FOR GREENE W. CALDWELL,

Messrs.

Bannerman,	Herring,	Massey,
J. Barnes,	Holland,	Morrow,
Davis,	Kerr,	Powell,
Dickson,	I. W. Lane,	Reid,
Hawkins,	Mangum,	J. Walker.

FOR WM. S. ASHE,

Messrs.

Bannerman,	Kerr,	Morrow,
Davis,	I. W. Lane,	Patterson,
Dickson,	Mangum,	Powell,
Hawkins,	Massey,	Reid,
Herring,	J. T. Miller,	J. Walker.
Holland,		

FOR JAMES B. WHITFIELD,

Messrs.

Bannerman,	Holland,	J. T. Miller,
Davis,	Kerr,	Morrow,
Dickson,	I. W. Lane,	Patterson,
Hawkins,	Mangum,	Powell,
Herring,	Massey,	J. Walker.
Hoke,		

FOR JAMES WATT,

Messrs.

Baker,	Chambers,	Munroe,
Boyd,	R. Jones,	L. Walker.
Cardwell,		

FOR WYAT MOYE,

Mr. J. Barnes.

FOR GEO. WILLIAMSON,

Messrs.

Baker,	Cardwell,	L. Walker.
Boyd,	Eaton,	

FOR BURTON CRAIGE,

Messrs.

Baker,	Hoke,	J. T. Miller,
Bannerman,	Holland,	Morrow.
Cardwell,	R. Jones,	Munroe,
Davis,	Kerr,	Patterson,
Dickson,	I. W. Lane,	Powell,
Hawkins,	Mangum,	Reid,
Herring,	Massey,	J. Walker.

FOR ALLEN ROGERS, SEN.,

Messrs.

Baker,	Eaton,	Mangum,
Boyd,	Hawkins,	Massey,
Bannerman,	Herring,	Patterson,
Cardwell,	Holland,	Powell,
Chambers,	R. Jones,	Reid,
Davis,	I. W. Lane,	J. Walker.
Dickson,		

FOR LOUIS D. HENRY,

Messrs.

Baker,	Hawkins,	J. T. Miller,
Bannerman,	Herring,	Morrow,
J. Barnes,	Holland,	Munroe,
Boyd,	R. Jones,	Patterson,
Cardwell,	Kerr,	Powell,
Chambers,	I. W. Lane,	Reid,
Davis,	Mangum,	J. Walker.
Dickson,	Massey,	L. Walker.
Eaton,		

FOR P. H. BUSBEE,

Messrs.

Kerr,	J. T. Miller.
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FOR W. F. LEAKE,

Messrs.

Baker,
Boyd,Cardwell,
R. Jones,J. T. Miller,
L. Walker.

FOR HENRY I. TOOLE,

MESSRS.

J. Barnes,

Ennett.

FOR JOHN A. MEBANE,

Mr. Carson.

FOR JOHN B. TROY,

Messrs.

J. Barnes,
E. Barnes,
Barringer,
Beall,
Brannock,
Brower,
Brummell,
Burns,
Carson,
Chambers,
G. W. Caldwell,Doak,
Farrow,
Gee,
Guthrie,
Guyther,
Holt,
Joiner,
Keener,
King,
W. B. Lane,
Lilly,Mendenhall,
E. P. Miller,
Morris,
Moore,
Murchison,
McLaurin,
McCollum,
Paine,
Pemberton,
Siler,
Wilson.

FOR C. H. JORDAN,

MESSRS.

Boyd,
Chambers,R. Jones,
King,Munroe,
L. Walker.

FOR NAT. BOYDEN,

Mr. Brogden.

FOR BAT. F. MOORE,

Mr. Brogden.

FOR RUFUS REID,

Mr. McLaughlin.

FOR D. M. BARRINGER,

Mr. Brogden.

FOR J. P. CALDWELL,

Mr. Brogden.

FOR JOHN McINTIRE,

Messrs.

Jefferson,

W. J. T. Miller.

FOR J. W. THOMAS,

Mr. Joiner.

FOR WM. DICKSON,

Messrs.

E. P. Miller.

J. O'K. Williams.

FOR M. Q. WADDELL,

Messrs.

Brower,

Joiner.

FOR FREDERICK J. HILL,

Mr. Brogden.

FOR BLOUNT COLEMAN,

Messrs.

Brower,

Joiner,

Mendenhall.

Foreman,

FOR H. L. ROBARDS,

Mr. Brogden.

FOR JOSIAH COLLINS,

Mr. Allen.

FOR A. H. DAVIS,

Mr. Eaton.

FOR E. SHOBER,

Messrs.

Holt,

Murchison.

FOR GEORGE C. MENDENHALL,

Messrs.

J. Barnes,

Brogden,

Brower.

FOR WM. W. CHERRY,

Messrs.

Brannock,

Doak.

FOR CHARLES E. JOHNSON,

Mr. Eaton.

FOR THOMAS HALL,

Mr. Eaton.

FOR W. G. JONES,

Mr. Eaton.

FOR JOHN A. ANDERSON,

Messrs.

Speaker,

Hyman,

Neal,

Allen,

Jacobs,

Patton,

Adams,

Jefferson,

Poindexter,

Beall,

Joiner,

Pemberton,

Biggs,

H. C. Jones,

Pope,

Boyden,

J. B. Jones,

Proctor,

Brummell,

Keener,

Ragan,

Burns,

King,

Reid,

J. P. Caldwell,

W. B. Lane,

Rand,

Clegg,

Lilly,

Robards,

J. M. Covington,

Mendenhall,

Russell,

Ennett,

E. P. Miller,

Siler,

Farrow,

W. J. T. Miller,

Smith,

Foreman,

Moore,

Spruill,

Franklin,

Morris,

J. W. Taylor,

Gee,

Munroe,

Thompson,

D. A. Graham,

McClenahan,

Tomlinson,

Grandy,

McLaughlin,

Whitehurst,

Graves,

McLaurin,

J. O'K. Williams.

Gray,

McMillan,

F. Williams,

Guyther,

McCollum,

Wilson,

Hill,
Hoke,
Huggins,

McCleese,
Paine,

Withers,
Young.

FOR MICHAEL HOLT,

Messrs.

Allen,
J. Barnes,
E. Barnes,
Barringer,
Beall,
Brannock,
Brower,
Brummell,
Burns,
J. P. Caldwell,
Carson,
Chambers,
J. M. Covington,
Doak,

Farrow,
J. Graham,
Graves,
Gray,
Holt,
Huggins,
Hyman,
Jacobs,
Jefferson,
Keener,
King,
W. B. Lane,
Lilly,
Mendenhall,

E. P. Miller,
Morris,
Murchison,
McLaughlin,
Paine,
Patton,
Pope,
Russell,
Siler,
Spruill,
J. O'K. Williams,
Withers,
Young.

FOR E. B. FREEMAN,

Mr. Tomlinson.

FOR CHARLES MANLY,

Mr. Tomlinson.

FOR WILIE PERRY,

Messrs.

Speaker,
Adams,
Allen,
E. Barnes,
Barringer,
Biggs,
Boyden,
Brannock,
J. P. Caldwell,
Clegg,
J. W. Covington,
J. M. Covington,

Guyther,
Hill,
Holt,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
J. B. Jones,
Keener,
Lilly,

Neal,
Paine,
Patton,
Patterson,
Pemberton,
Poindexter,
Pope,
Proctor,
Ragan,
Rand,
Robards,
Russell,

Doak,	Mendenhall,	Smith,
Ennett,	E. P. Miller,	Spruill,
Farrow,	W. J. T. Miller,	J. W. Taylor,
Foreman,	Moore,	Thompson,
Franklin,	Morris,	Tomlinson,
Gee,	Murchison,	Whitehurst,
D. A. Graham,	McClenehan,	J. O'K. Williams,
J. Graham,	McLaughlin,	F. Williams,
Grandy,	McLaurin,	Wilson,
Graves,	McMillan,	Withers,
Gray,	McCollum,	Young.
Guthrie,	McCleese,	

FOR THOMAS McGEHEE,

Messrs.

Speaker,	J. Graham,	Neal,
Adams,	Grandy,	McCleese,
Barringer,	Graves,	Pemberton,
Biggs,	Guthrie,	Poindexter,
Boyden,	Guyther,	Pope,
Brannock,	Hill,	Proctor
Brummell,	Huggins,	Ragan,
Burns,	Hymau,	Rand,
J. P. Caldwell,	Jacobs,	Robards,
Carson,	Jefferson,	Russell,
Chambers,	H. C. Jones,	Siler,
Clegg,	J. B. Jones,	Smith.
J. W. Covington,	King,	J. W. Taylor,
J. M. Covington,	Mendenhall,	Thompson,
Doak,	Moore,	Whitehurst,
Farrow,	McClenehan,	F. Williams,
Franklin,	McLaurin,	Wilson,
Gee,	McMillan,	Withers,
D. A. Graham,	McCollum,	Young.

FOR JOHNSON BUSBEE,

Messrs.

Speaker,	Grandy,	Neal,
Adams,	Graves,	Paine,
Allen,	Gray,	Patton,
E. Barnes,	Guthrie,	McCleese,
Barringer,	Guyther,	Pemberton,

Beall,	Hill,	Poindexter,
Biggs,	Hoke,	Pope,
Boyden,	Holt,	Proctor,
Brannock,	Huggins,	Ragan,
Brower,	Hyman,	Rand,
Brummell,	Jacobs,	Robards,
Burns,	H. C. Jones,	Russell,
J. P. Caldwell,	J. B. Jones,	Siler,
Carson,	King,	Smith,
Clegg,	Lilly,	Spruill,
J. W. Covington,	Mendenhall,	J. W. Taylor,
J. M. Covington,	W. J. T. Miller,	Thompson,
Doak,	Moore,	Tomlinson,
Ennett,	Murchison,	Whitehurst,
Farrow,	McClenehan,	J. O'K. Williams,
Foreman,	McLaughlin,	F. Williams,
Franklin,	McLaurin,	Wilson,
Gee,	McMillan,	Withers,
D. A. Graham,	McCollum,	Young,
J. Graham,		

FOR ISAAC AVERY,

Messrs.

Adams,	Hill,	Neal,
Allen,	Hoke,	Paine,
Barringer,	Holt,	Patton,
Beall,	Huggins,	Pemberton,
Biggs,	Jacobs,	Poindexter,
Boyden,	H. C. Jones,	Proctor,
Brummell,	J. B. Jones,	Ragan,
Burns,	Kerr,	Rand,
J. P. Caldwell,	King,	Robards,
Carson,	W. B. Lane,	Siler,
Clegg,	Lilly,	Smith,
J. W. Covington,	E. P. Miller,	Spruill,
J. M. Covington,	W. J. T. Miller,	J. W. Taylor,
Ennett,	Moore,	Thompson,
Foreman,	Morris,	Tomlinson,
Franklin,	Murchison,	Whitehurst,
J. Graham,	McClenehan,	J. O'K. Williams,
D. A. Graham,	McLaughlin,	F. Williams,
Grandy,	McLaurin,	Wilson,
Graves,	McMillan,	Withers,
Gray,	McCollum,	Young,
Guthrie,	McCleese,	
E. Barnes,	Speaker,	

FOR JAMES T. LEAKE.

Messrs.

Speaker,	Gray,	McLaughlin,
Adams,	Graves,	McLaurin,
Allen,	Guthrie,	McMillan,
E. Barnes,	Guyther,	Neal,
Barringer,	Hill,	Paine,
Beall,	Holt,	Patton,
Biggs,	Huggins,	Pemberton,
Boyden,	Hyman,	Poindexter,
Brannock,	Jacobs,	Proctor,
Brower,	Jefferson,	Ragan,
Brummell,	Joiner,	Rand,
Burns,	H. C. Jones,	Robards,
J. P. Caldwell,	J. B. Jones,	Siler,
Carson,	Keener,	Smith,
Clegg,	W. B. Lane,	Spruill,
J. M. Covington,	Lilly,	J. W. Taylor,
J. W. Covington,	Mendenhall,	Thompson,
Doak,	W. J. T. Miller,	Tomlinson,
Ennett,	E. P. Miller,	Whitehurst,
Foreman,	Moore,	J. O'K. Williams,
Franklin,	Morris,	F. Williams,
Gee,	Murchison,	Wilson,
D. A. Graham,	McCollum,	Withers,
J. Graham,	McClesse,	Young,
Grandy,	McClenchan,	

FOR ALLEN GOODWIN,

Messrs.

Speaker,	Guthrie,	McCleese,
Adams,	Guyther,	Patton,
E. Barnes,	Hill,	Poindexter,
Beall,	Hyman,	Pope,
Biggs,	Jefferson,	Proctor,
Boyden,	H. C. Jones,	Ragan,
Clegg,	J. B. Jones,	Rand,
J. M. Covington,	Keener,	Robards,
Ennett,	W. B. Lane,	Russell,
Farrow,	E. P. Miller,	Smith,
Foreman,	W. J. T. Miller,	J. W. Taylor,
Franklin,	Morris,	Thompson,
Gee,	McClenchan,	Tomlinson,

D. A. Graham,	McMillan,	Whitehurst,
J. Graham,	Neal,	F. Williams,
Grandy,	Paine,	Withers.
Gray,		

Mr. W. J. T. Miller, from the committee appointed to superintend the voting, reported that John A. Anderson, Willie Perry, Thomas McGehee, Johnson Busbee, Isaac T. Avery, and James T. Leake had each received a majority of the whole number of votes, and were duly elected Counsellors of State, and that no other person had received a majority. The report was concurred in.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported the bill to abolish the Fair at or near Laurel Hill, in the county of Richmond, without amendment. The said bill was read the second and third times, passed, and ordered to be engrossed. X

Mr. J. P. Caldwell, from the same committee, asked that the committee be discharged from the further consideration of the petition from the county of Buncombe, praying that Wm. Hammond, a free man of color, may be allowed to preach and exhort. The committee was discharged. X

Mr. Siler, from the Committee on Cherokee Lands, reported the resolution in favor of Travis Elmore, of Macon county, without amendment. The said resolution was read and adopted, and ordered to be engrossed.

Mr. Reid introduced a bill to incorporate the Raleigh Mechanic's Association; which was read the first time and passed.

Received a message from the Senate, proposing that the two Houses do vote immediately for a Judge of the Superior Court, to fill the vacancy occasioned by the resignation of John D. Toomer. The proposition was concurred in—and Messrs. Adams and Holland appointed a committee to superintend the election.

A message from the Senate, informing that Messrs. Hellen and Melvin form their branch of said committee.

The House then proceeded to vote as follows:

FOR WM. H. BATTLE,

Messrs.

Speaker,	Gray,	McLaughlin,
Adams,	Guthrie,	McLaurin,

Allen,	Guyther,	Paine,
Barringer,	Hill,	Patton,
Beall,	Holt,	Patterson,
Brannock,	Joiner,	Pope,
Brummell,	H. C. Jones,	Proctor,
Burns,	King,	Robards,
Carson,	Mendenhall,	Russell,
Clegg,	E. P. Miller,	Spruill,
J. M. Covington,	Mills,	J. W. Taylor,
J. W. Covington,	Moore,	Whitehurst,
Doak,	Morris,	J. O'K. Williams,
Farrow,	Murchison,	Winston,
Foreman,	McCleese,	Wilson,
Gee,	McClenahan,	Withers,
Grandy,	McCollum,	Young.

FOR ROMULUS M. SAUNDERS,

Messrs.

Baker,	Fleming,	Monday,
Bannerman,	Graves,	Morrow,
J. Barnes,	Herring,	Munroe,
E. Barnes,	Holland,	Neal,
Biggs,	Jacobs,	Powell,
Boyd,	C. Jones,	Ragan,
Brogden,	R. Jones,	Rand,
Bryan,	Kerr,	Reid,
J. P. Caldwell,	Killian,	Sullivan,
G. W. Caldwell,	I. W. Lane,	Stallings,
Cardwell,	Lilly,	F. Taylor,
Chambers,	Mangum,	Tomlinson,
Davis,	Massey,	L. Walker,
Dickson,	J. T. Miller,	J. Walker,
Ennett,	W. J. T. Miller,	Ziglar.

FOR EDWARD HALL,

Messrs.

Eaton,	Smith,	Thompson.
Hawkins,		

FOR DAVID L. SWAIN,

Messrs.

Huggins,	Keener,	Wadsworth.
Hyman,		

FOR AUGUSTINE H. SHEPARD,

Messrs.

Boyden, Franklin, Poindexter.

FOR MICHAEL HOKE,

Messrs.

D. A. Graham, Jefferson, Siler.

FOR PATRICK H. WINSTON,

Messrs.

W. B. Lane, Pemberton.

FOR ANDERSON MITCHELL,

Mr. McMillan.

Mr. Holland, from the committee appointed to superintend the voting, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The engrossed bill to secure title to, and grant jurisdiction over, a tract of land on Body's Island, to the United States, was read the second and third time, passed, and ordered to be enrolled.

The bill providing for restoring to the rights of citizenship persons convicted of infamous crimes; and the bill to give the County Court of Cherokee jurisdiction over the State Road in said county, were each read the second time and passed.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill giving to the county of Henderson a Superior Court of Law and Equity.

And a bill giving to the county of Cherokee a Superior Court of Law and Equity; and asking the concurrence of this House.

The said bills were read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DEC. 18, 1840.

Mr. J. P. Caldwell, from the Joint Select Committee on Military Affairs, reported a bill to compel the militia officers of Mecklenburg county to drill three days in each and every year. The said bill was read the first time and passed.

On motion of Mr. Holt,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote again immediately for a Judge of the Superior Courts, in place of John D. Toomer, resigned.

A message from the Senate, agreeing to this proposition, and informing that Messrs. Clingman and Orr form their branch of the committee to superintend the election.

Ordered, That Messrs. L. Walker and Pemberton form said committee on behalf of the Commons.

The House then voted as follows:

FOR WILLIAM H. BATTLE,

Messrs.

Speaker,	Guthrie,	McLaurin,
Adams,	Guyther,	Paine,
Allen,	Hill,	Patton,
Barringer,	Holt,	Patterson,
Beall,	Huggins,	Pemberton,
Boyden,	Hyman,	Poindexter,
Braunock,	Jacobs,	Pope,
Brower,	Jefferson,	Proctor,
Brummell,	Joiner,	Robards,
Burns,	H. C. Jones,	Russell,
Carson,	Keener,	Siler,
Clegg,	King,	Smith,
J. M. Covington,	Lilly,	Spruill,
J. W. Covington,	Mendenhall,	J. W. Taylor,
Doak,	Mills,	Whitehurst,
Farrow,	Moore,	J. O'K. Williams,
Foreman,	Morris,	F. Williams,
Franklin,	Murchison,	Winston,
Gee,	McCleese,	Wilson,
D. A. Graham,	McClenehan,	Withers,
J. Graham,	McCollum,	Young,
Grandy,	McLaughlin,	
Gray,		

FOR ROMULUS M. SAUNDERS,

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Herring,	Morrow,
J. Barnes,	Holland,	Powell,
E. Barnes,	J. B. Jones,	Ragan,
Biggs,	R. Jones,	Rand,
Boyd,	C. Jones,	Reid,
Brogden,	Kerr,	Sullivan,
J. P. Caldwell,	Killian,	Stallings,
Cardwell,	I. W. Lane,	F. Taylor,
G. W. Caldwell,	Mangum,	Tomlinson,
Davis,	Massey,	L. Walker,
Dickson,	J. T. Miller,	J. Walker,
Ennett,	W. J. T. Miller,	Ziglar,
Fleming,		

FOR ANDERSON MITCHELL,

Messrs.

Bryan,	E. P. Miller,	McMillan.
W. B. Lane,		

FOR EDWARD HALL,

MESSRS.

Eaton,	Hawkins,	Thompson.
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FOR DAVID L. SWAIN,

Mr. Wadsworth.

FOR A. MOORE,

Mr. J. R. Gilliam.

Mr. L. Walker, from the committee appointed to conduct this election, reported that Wm. H. Battle had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity for this State. The report was concurred in.

Mr. Mendenhall, from the joint select committee, reported a bill upon the subject of a Penitentiary; which was read the first time and passed.

A message from the Senate, informing that they had

passed the engrossed bill to incorporate the Trustees of Hopewell Academy, and the engrossed resolution in favor of Thomas L. West, asking the concurrence of this House. Said bill and resolution was read the first time and passed.

Mr. Barringer, from the committee on Internal Improvements, who were instructed to inquire into the expediency of constructing a rail road from Raleigh to Waynesboro', reported against the expediency of the State's undertaking the said work at this time, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that the two Houses do go into an election for one Counsellor of State yet to be elected.

The names of Michael Holt and John B. Troy were withdrawn from the nomination.

Received a message from the Senate, agreeing to the proposition, and informing that Messrs. Spiers and Montgomery form their branch of the committee to conduct the election.

Ordered, That Messrs. F. Williams and J. W. Taylor form said committee on behalf of the Commons.

The House then voted as follows:

FOR ALLEN GOODWIN,

Messrs.

Speaker,	Grandy,	McMillan,
Adams,	Graves,	Patton,
Allen,	Guyther,	Patterson,
E. Barnes,	Herring,	Pemberton,
Barringer,	Hill,	Poindexter,
Beall,	Holt,	Pope,
Biggs,	Huggins,	Proctor,
Boyden,	Hyman,	Ragan,
Brannock,	Jacobs,	Rand,
Brogden,	Joiner,	Reid,
Brower,	H. C. Jones,	Robards,
Brummell,	J. B. Jones,	Russell,
Bryan,	C. Jones,	Siler,
Burns,	Killian,	Smith,
Carson,	King,	Spruill,

Clegg,	Lilly	J. W. Taylor,
J. M. Covington,	Massey,	Thompson,
J. W. Covington,	Mendenhall,	Tomlinson,
Doak,	Monday,	Wadsworth,
Eaton,	Moore,	Whitehurst,
Ennett,	Murchison,	J. O'K. Williams,
Farrow,	McCleese,	F. Williams,
Foreman,	McClenehan,	Winston,
Franklin,	McCollum,	Wilson,
D. A. Graham,	McLaughlin,	Withers,
J. Graham,	McLaurin,	Young.

FOR JOHN McINTIRE,

Messrs.

J. P. Caldwell,	Hoke,	Mills,
Fleming,	Keener,	Morris,
J. R. Gilliam,	Jefferson,	Neal.
Gray,	W. J. T. Miller,	

FOR W. F. LEAKE,

Messrs.

Baker,	Cardwell,	R. Jones.
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FOR WM. S. ASHE,

Messrs.

Bannerman,	Powell.
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FOR WYAT MOYE,

Mr. J. Barnes.

FOR CALVIN GRAVES,

Mr. Boyd.

FOR NEIL RAGAN,

Mr. Sullivan.

FOR BURTON CRAIGE,

Mr. Morrow.

FOR G. W. CALDWELL,

Messrs.

Davis,	Holland,	J. Walker.
Dickson,	Kerr,	

FOR A. H. DAVIS,

Mr. Hawkins.

FOR LOUIS D. HENRY,

Messrs.

I. W. Lane,

J. T. Miller,

L. Walker.

FOR NAT. G. RAND,

Messrs.

Mangum,

Ziglar.

FOR WM. DICKSON,

Mr. E. P. Miller.

FOR D. M. BARRINGER,

Mr. Stallings.

FOR WM. H. HAYWOOD, jr.

Mr. F. Taylor.

Mr. from the committee appointed to conduct this election, reported that Allen Goodwin had received a majority of the whole number of votes and was duly elected. The report was concurred in.

Mr. Neal presented the following resolution:

Resolved, That this House hold evening sessions from and after the 28th instant.

The said resolution lies over one day under the rule.

On motion of Mr. Caldwell, the vote of yesterday, by which the bill to amend an act passed at the session of 1838, entitled an act to divide the counties into school districts, was ordered to be printed, was re-considered, and the said order to print was rescinded.

Mr. Patton presented a bill to incorporate the Asheville Female Academy, in the county of Buncombe and the Trustees thereof; which was read the first time and passed.

Mr. Poindexter, from the committee on claims, to whom

was referred the petition of John Moore, reported a resolution in favor of John Moore; which was read the first time and passed.

On motion of Mr. Reid, X

Ordered, That the bill for the establishment and better regulation of common schools, be made the order of the day for Monday next, then to be considered in committee of the whole. X

On motion of Mr. Biggs, the bill to prevent the passage of fish up Roanoke and Cashie Rivers, was made the order of the day for Tuesday next.

A message from the Senate, concurring in the proposition of this House to raise a committee of conference of three on the part of each House, on the disagreement of the two Houses on the amendment made by the Senate to the engrossed resolutions concerning the assignment of rooms in the capitol; and informing that Messrs. Spruill, Faison, Cooper form the Senate's branch of said committee.

Ordered, That said committee, on the part of the Commons, consist of Messrs. H. C. Jones, Brower, Mangum,

The bill for the relief of the Wilmington and Raleigh Rail Road Company, was taken up and considered; when the bill was again laid upon the table, on motion of Mr. Pope, by a vote of 72 yeas and 36 nays. The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were

Messrs.

Adams,	J. R. Gilliam,	Mills,
Baker,	D. A. Graham,	Morris,
Barringer,	Grandy,	Murchison,
Beall,	Graves,	McCo'lum,
Biggs,	Gray,	McClenahan,
Boyd,	Guthrie,	McLaurin,
Boyden,	Hawkins,	McMillan,
Brannock,	Hill,	Neal,
Brogden	Hoke,	Patton,
Brower,	Huggins,	Poindexter,
Brummell,	Hyman,	Pope,
Bryan,	Jacobs,	Reid,
J. P. Caldwell,	Jefferson,	Rand,
G. W. Caldwell,	H. C. Jones,	Robards,
Cardwell,	C. Jones.	Siler,

Carson,	J. B. Jones,	Stallings,
Clegg,	Keener,	J. W. Taylor,
J. M. Covington,	Kerr,	Wadsworth,
J. W. Covington,	Killian,	Whitehurst,
Doak,	I. W. Lane,	J. O'K. Williams,
Eaton,	W. B. Lane,	F. Williams,
Fleming,	Lilly,	Winston,
Foreman,	Mendenhall,	Withers,
Franklin,	J. T. Miller,	Ziglar,

Those who voted in the negative, were

Messrs.

Allen,	Holt,	Pemberton,
Bannerman,	Joiner,	Powell,
J. Barnes,	R. Jones,	Ragan,
E. Barnes,	Mangum,	Russell,
Burns,	Massey,	Smith,
Davis,	E. P. Miller,	Spruill,
Dickson,	W. J. T. Miller,	F. Taylor,
Ennett,	Monday,	Tomlinson,
Farrow,	Morrow,	L. Walker,
J. Graham,	McCleese,	J. Walker,
Guyther,	McLaughlin,	Wilson,
Holland,	Patterson,	Young.

The bill concerning the collection of debts by the banks of this State, was taken up and discussed, and before any question taken thereon, the House, on motion, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DEC. 19, 1840.

The bill to incorporate Orr Lodge, at Washington, in the county of Beaufort, was read the second and third times and passed, and ordered to be engrossed.

A message from the Senate, concurring in the proposition of this House to print the message of his Excellency the Governor, and the report of the Treasurer of the University accompanying the same.

Mr. W. B. Lane presented a bill to repeal an act, entitled an act directing the County Courts to pay fees to certain officers therein named, so far as respects the county of Randolph; which was read the first time and passed.

The Speaker laid before the House a communication from the Public Treasurer, containing the information required by a resolution of the House, touching the expenditures made by the State for Internal Improvements, &c. &c.

Ordered, On motion of Mr. Barringer, that the communication be sent to the Senate, with a proposition that it be printed.

Mr. Patton presented a bill to incorporate the Stockholders of the Boarding House of the Asheville Female Seminary; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to expedite legal process, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

Mr. Patton presented a petition from sundry citizens, stockholders in the Buncombe Turnpike Company, praying a modification of a law, passed in the year 1835, relating to the said company. The petition was, on motion of Mr. Patton, referred to the Committee on the Judiciary.

The resignation of A. Myers, of Anson county; of Sol. Eford, of Montgomery; of Delany Harper, of Greene; of Thomas D. Wright, of Franklin, Justices of the Peace, were presented, read and accepted.

The resignation of John R. Brown, a justice of the peace for Randolph county, was read, and, on motion of Mr. G. W. Caldwell, laid on the table.

Mr. G. W. Caldwell presented the certificate of the County Court of Mecklenburg, in favor of Martha Thompson, a State pensioner, allowing her the usual sum of fifty dollars for the year 1839, and a like sum for the year 1840.

Ordered, On motion of Mr. G. W. Caldwell, that the certificate be signed by the Speaker of this House, and sent to the Senate.

On motion of Mr. Moore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of passing a law

prohibiting altogether the use of fire arms by free persons of color, or of regulating the same by such conditions as may be useful; and to report a bill, if any change of the law shall be deemed expedient.

Mr. McMillan presented a bill to divide the militia of Ashe county into three regiments; which was read the first time and passed.

The resolution in favor of George Hoover, of Randolph county, was read the second time and rejected.

The bill to authorise the laying off and establishing a Turnpike road from Laxton Lynch's, in Rutherford county to the widow Sails's in Buncombe county, was read the second time and amended.

Mr. Biggs moved to strike out so much of said bill as authorises a subscription to the stock of the company by and on behalf of the State.

The question on this motion was decided in the negative—yeas 46, nays 62. The yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.

Adams,	J. R. Gilliam,	Patterson,
Allen,	Grandy,	Powell,
Baker,	Guyther,	Ragan,
Bannerman,	Hawkins,	Rand,
J. Barnes,	Herring,	Russell,
E. Barnes,	Holt,	Smith,
Biggs,	Howerton,	Sullivan,
Boyd,	Jacobs,	Stallings,
Blodgen,	J. B. Jones,	J. W. Taylor,
G. W. Caldwell,	R. Jones,	F. Taylor,
Cardwell,	Kerr,	Tomlinson,
Davis,	I. W. Lane,	Wadsworth,
Dickson,	Mangum,	J. O'K. Williams,
Eaton,	Massey,	Wilson.
Farrow,	Moore,	
Foreman,	McCleese,	

Those who voted in the negative, were

Messrs.

Barringer,	Holland,	McClenehan,
Beall,	Huggins,	McCollum,

Boyden,	Hyman,	McLaughlin,
Brannock,	Jefferson,	McLaurin,
Brewer,	Joiner,	McMillan,
Bryan,	H. C. Jones,	Neal,
Burns,	C. Jones,	Patton,
J. P. Caldwell,	Keener,	Pemberton,
Carson,	Killian,	Poindexter,
Clegg,	King,	Proctor,
J. W. Covington,	W. B. Lane,	Reid,
J. M. Covington,	Lilly,	Robards,
Doak,	Mendenhall,	Siler,
Fleming,	E. P. Miller,	J. Walker,
Franklin,	J. T. Miller,	L. Walker,
D. A. Graham,	W. J. T. Miller,	Whitehurst,
J. Graham,	Mills,	Winston,
Graves,	Monday,	Withers,
Gray,	Morris,	Young,
Guthrie,	Morrow,	Ziglar.
Hoke,	Murchison,	

The question, shall the said bill pass the second reading? was determined in the affirmative.

The engrossed bill to prevent betting on elections, was read the second time, and on motion of Mr. Monday postponed indefinitely, yeas 62, nays 44.

Those who voted in the affirmative, were

Messrs.

Allen,	Holt,	McClenehan,
Bannerman,	Hyman,	McLaughlin,
E. Barnes,	Jacobs,	McMillan,
Boyd,	Jefferson,	Neal,
Boyden,	H. C. Jones,	Patton,
Brogden,	C. Jones,	Powell,
Bryan,	R. Jones,	Proctor,
G. W. Caldwell,	Kerr,	Ragan,
Clegg,	Killian,	Rand,
Dickson,	King,	Reid,
Eaton,	I. W. Lane,	Robards,
Ennett,	Lilly,	Russell,
Farrow,	Maugum,	Stallings,
Fleming,	Massey,	F. Taylor,
Franklin,	E. P. Miller,	Wadsworth,
Gee,	J. T. Miller,	L. Walker,

Grandy,	Mills,	J. O'K. Williams,
Gray,	Monday,	Wilson
Guthrie,	Morrow,	Withers,
Guyther,	Murehison,	Ziglar.
Holland,	McCleese,	

Those who voted in the negative, were

Messrs.

Adams,	Doak,	Morris,
Baker,	Foreman,	McCollum,
J. Barnes,	D. A. Graham,	McLaurin,
Barringer,	J. Graham,	Patterson,
Beall,	Graves,	Pemberton,
Biggs,	Hill,	Poindexter,
Brannock,	Howerton,	Siler,
Brower,	Huggins,	Smith,
Burns,	Joiner,	Spruill,
J. P. Caldwell,	J. B. Jones,	J. W. Taylor,
Cardwell,	Keener,	Thompson,
Carson,	W. B. Lane,	J. Walker,
J. M. Covington,	Mendenhall,	Whitehurst,
J. W. Covington,	W. J. T. Miller,	Young.
Davis,	Moore,	

On motion of Mr. Thompson,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for a Colonel, Lieutenant Colonel and Major of Cavalry attached to the 5th brigade and 7th division of militia.

A message was received from the Senate, concurring in this proposition, and informing that Messrs. Exum and Selby form their branch of the committee to superintend the election.

Ordered, That Messrs. D. A. Graham and Ziglar superintend the voting on the part of the Commons.

The House then voted as follows:

FOR SAM'L SPRUILL, as Colonel,

FOR RALPH E. McNAIR, as Lieut. Colonel,

FOR CHARLES HARRISON, as Major,

Messrs.

Speaker,	J. Graham,	McClesse,
Adams,	Grandy,	McClenehan,

Allen,	Graves,	McCollum,
Baker,	Gray,	McLaughlin,
Bannerman,	Guyther,	McMillan,
J. Barnes,	Hawkins,	McLaurin,
E. Barnes,	Hill,	Neal,
Barringer,	Holland,	Patton,
Beall,	Holt,	Patterson,
Biggs,	Howerton,	Pemberton,
Boyd,	Huggins,	Poindexter,
Boyden,	Hyman,	Pope,
Brannock,	Jacobs,	Powell,
Brogden,	Jefferson,	Proctor,
Brower,	Joiner,	Ragan,
Bryan,	H. C. Jones,	Rand,
Burns,	J. B. Jones,	Reid,
J. P. Caldwell,	R. Jones,	Russell,
Carson,	C. Jones,	Siler,
Clegg,	Keener,	Smith,
J. M. Covington,	Kerr,	Stallings,
J. W. Covington,	King,	J. W. Taylor,
Davis,	W. B. Lane,	F. Taylor,
Dickson,	Massey,	Thompson,
Doak,	Mendenhall,	Wadsworth,
Eaton,	E. P. Miller,	L. Walker,
Ennett,	J. T. Miller,	J. Walker,
Farrow,	W. J. T. Miller,	Whitehurst,
Fleming,	Monday,	J. O'K. Williams,
Foreman,	Moore,	Wilson,
Franklin,	Morris,	Withers,
Gee,	Morrow,	Young,
D. A. Graham,	Murchison,	Ziglar.

Mr. Guthrie voted for S. B. Spruill for Colonel, and for Charles Harrison as Major; and Mr. Robards voted for S. B. Spruill as Colonel, for R. E. McNair as Lieutenant Colonel, and for Curtis H. Brogden as Major.

The resignations of Casper Holsponser, of Rowan county, and of Jordan Winston, of Perquimons county, Justices of the Peace, were presented, read and accepted.

Mr. Wilson presented a petition from sundry citizens of Perquimons county, praying that no restrictions may be laid on the Albemarle Fisheries. The said petition was read, and on Mr. Wilson's motion, laid on the table.

On motion of Mr. Adams, leave of absence from the ser-

vice of the House from this day until Friday next, was granted to Mr. J. O'K. Williams.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Thomas J. Clark and John Clark, praying compensation for discovering a gold mine on the lands of the State, and asked to be discharged from the further consideration of the subject.

The bill regulating the number of jurors in the Superior Courts of Burke county, was read the second time and passed.

Mr. D. A. Graham, from the committee appointed to superintend the election for cavalry officers, reported that Samuel B. Spruill was duly elected Colonel; Ralph E. McNair Lieutenant Colonel; and Charles Harrison Major. The report was concurred in.

The bill concerning the collection of debts by the Banks of this State, was read the second time, and Mr. F. Taylor moved that said bill be laid on the table. The question thereon was decided in the negative. Mr. Wilson moved that said bill be postponed indefinitely.

Pending this question, Mr. F. Taylor moved that the House adjourn until Monday morning ten o'clock, and demanded the yeas and nays. The question on adjournment was decided in the negative—yeas 32, nays 65.

Those who voted in the affirmative, were

Messrs,

E. Barnes,	Graves,	J. T. Miller,
Biggs,	Guthrie,	Murchison,
Boyden,	Guyther,	McCleese,
Brogden,	Hawkins,	Reid,
Bryan,	Hill,	Robards,
Burns,	Kerr,	Russell,
Clegg,	Killian,	Stallings,
J. M. Covington,	W. B. Lane,	F. Taylor,
Eaton,	Mangum,	Wadsworth,
Ennett,	Massey,	L. Walker,
Foreman,	Mendenhall,	

Those who voted in negative, were

Adams,	Holland,	McLaughlin,
Allen,	Holt,	McLaurin,
Baker,	Huggins,	McMillan,

Bannerman,	Hyman,	Neal,
J. Barnes,	Jacobs,	Patton,
Barringer,	Jefferson,	Patterson,
Beall,	Joiner,	Pemberton,
Boyd,	H. C. Jones,	Poindexter,
Brannock,	J. B. Jones,	Pope,
Brower,	C. Jones,	Proctor,
J. P. Caldwell,	R. Jones,	Powell,
Cardwell,	Keener,	Ragan,
Carson,	King,	Siler,
J. W. Covington,	E. P. Miller,	J. W. Taylor,
Davis,	W. J. T. Miller,	Thompson,
Dickson,	Mills,	J. Walker,
Doak,	Monday,	Whitehusrt,
Farrow,	Moore,	J. O'K. Williams
Franklin,	Morris,	Wilson,
D. A. Graham,	Morrow,	Withers,
J. Graham,	McClenahan,	Young.
Gray,	McCollum,	

The question again recurring on the indefinite postponement of the bill, Mr. F. Taylor again moved that the House adjourn until Monday morning ten o'clock; and called for the yeas and nays. The question on this motion was decided in the negative—yeas 20, nays 78.

Those who voted in the affirmative, were

Messrs.

E. Barnes,	Fleming,	Killian,
Boyden,	Grandy,	W. B. Lane,
Brogden,	Graves,	Smith,
G. W. Caldwell,	Guthrie,	Stallings,
Clegg,	Guyther,	F. Taylor,
Ennett,	Hawkins,	L. Walker.
Farrow,	Kerr,	

Those who voted in the negative, were

Messrs.

Adams,	Holland,	McCollum,
Allen,	Howerton,	McLaughlin,
Baker,	Holt,	McLaurin,
Bannerman,	Huggins,	McMillan,
J. Barnes,	Hyman,	Neal,
Barringer,	Jacobs,	Patton,

Beall,	Jefferson,	Patterson,
Biggs,	Joiner,	Pemberton,
Boyd,	H. C. Jones,	Poindexter,
Brannock,	J. B. Jones,	Pope,
Brower,	C. Jones,	Powell,
Bryan,	Keener,	Proctor,
Burns,	King,	Ragan,
J. P. Caldwell,	Lilly,	Reid,
Cardwell,	Mendenhall,	Robards,
Carson,	E. P. Miller,	Russell,
J. W. Covington,	W. J. T. Miller,	Siler,
J. M. Covington,	J. T. Miller,	J. W. Taylor,
Davis,	Mills,	Thompson,
Dickson,	Monday,	Wadsworth,
Doak,	Moore,	J. Walker.
Foreman,	Morris,	Whitehurst,
Franklin,	Morrow,	J. O'K. Williams,
J. Graham,	Murchison,	Wilson,
Gray,	McCleese,	Withers,
Hill,	McClenehan,	Young.

The question again recurring on the motion to postpone the bill indefinitely, was decided in the affirmative—yeas 67, nays 34.

The yeas and nays demanded by M. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Adams,	Guyther,	McLaughlin,
Allen,	Hill,	McLaurin,
Barringer,	Holt,	McMillan,
Beall,	Howerton,	Neal,
Boyd,	Huggins,	Patton,
Brannock,	Hyman,	Patterson,
Brower,	Jacobs,	Pemberton,
Bryan,	Jefferson,	Poindexter,
Burns,	Joiner,	Pope,
J. P. Caldwell,	H. C. Jones,	Proctor,
Carson,	*Keener,	Reid,
Clegg,	W. B. Lane,	Robards,
J. M. Covington,	Lilly,	Russell,
J. W. Covington,	Mendenhall,	Siler,

*This must be an error in the copy, the same name appearing in both the yeas and nays. [Printer.]

Doak,	E. P. Miller,	Smith,
Eaton,	W. J. T. Miller,	Thompson,
Fleming,	Mills,	Wadsworth,
Foreman,	Moore,	Whitehurst,
Franklin,	Morris,	J. O'K. Williams,
D. A. Graham,	McCleese,	Wilson,
J. Graham,	McClenehan,	Withers,
Graves,	McCollum,	Young.
Gray,		

Those who voted in the negative, were

Messrs.

Baker,	Farrow,	Monday,
Bannerman,	Grandy,	Morrow,
J. Barnes,	Guthrie,	Murchison,
E. Barnes,	Hawkins,	Powell,
Biggs,	Holland,	Ragan,
Boyd,	J. B. Jones,	Stallings,
Brogden,	C. Jones,	J. W. Taylor,
G. W. Caldwell,	R. Jones,	F. Taylor,
Cardwell,	*Keener,	L. Walker,
Davis,	Kerr,	J. Walker,
Dickson,	King,	Ziglar.
Ennett,		

Mr. Moore presented the following resolution, which was read and laid upon the table.

Resolved, That the 24th Rule of Order of this House be amended in respect to the motion to adjourn, and that no such motion shall be made within fifteen minutes after the question upon the same motion has been moved and decided.

The House then adjourned until to-morrow morning, 10 o'clock.

MONDAY, DEC. 21, 1840.

Mr. J. P. Caldwell, from the committee on Propositions and Grievances, reported the bill to regulate the measurement of ton and square timber and saw mill lumber with amendments. The amendments were read and con-

curred in, and the bill as amended read the second time and passed.

Mr. Sullivan presented a bill to appoint commissioners for the town of Kenansville, in the county of Duplin; which was read the first time and passed.

Mr. Barringer presented a resolution in favor of Waller Freeman, together with a petition from many citizens of Raleigh and vicinity in his behalf.

Ordered, On motion of Mr. Barringer, that the resolution and petition be referred to the Committee on Propositions and Grievances.

Mr. Moore presented a bill to amend the revised statutes, entitled an act to drain the Swamp Lands of this State, and to create a fund for Common Schools; which was read the first time and passed.

Mr. Doak presented a bill to amend the 73d chapter of the revised statutes, entitled militia; which was read the first time and passed, and, on motion of Mr. Doak, referred to the Committee on Military Affairs.

Mr. Proctor presented a petition from sundry citizens of Pasquotank county, praying that restrictions may be imposed on the fisheries in Albemarle Sound and its waters. The petition was read and laid on the table.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the petition of sundry citizens of Wilmington, praying an alteration in the mode of appointing inspectors, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Messrs. Russell, F. Williams, D. A. Graham and Brannock were appointed the Committee on Enrolled Bills for the present week.

Mr. Spruill presented a bill to amend the revised statutes, entitled an act concerning slaves and free persons of color; which was read the first time and passed, and referred to the Committee on the Judiciary.

The bill for the relief of the Wilmington and Raleigh Rail Road Company was read the second time.

Mr. Hoke moved to amend the bill in the first section, by striking out the words "and the amount of said bonds shall be made payable on the first of January, A. D. 1852, at such place as the President and Directors of said Company and the parties may agree upon," and insert the following, viz: "and the amount of said bonds shall be made payable as follows, to wit:

Fifty thousand dollars on the 1st day of January, 1843; fifty thousand on the 1st day of January, 1844; fifty thousand dollars on 1st January, 1845; fifty thousand dollars on 1st January, 1846; and fifty thousand dollars on 1st day of January, 1847."

The question thereon was decided in the affirmative unanimously, yeas 107. The yeas and nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs.

Adams,	J. Graham,	Murchison,
Allen,	Grandy,	McClenehan,
Baker,	Graves,	McCollum,
Bannerman,	Gray,	McLaughlin,
J. Barnes,	Guthrie,	McLaurin,
E. Barnes,	Guyther,	McMillan,
Barringer,	Hawkins,	Neal,
Beall,	Herring,	Paine,
Biggs,	Hoke,	Patton,
Boyd,	Holland,	Pemberton,
Boyden,	Holt,	Poindexter,
Brannock,	Howerton,	Pope,
Brogden,	Huggins,	Powell,
Brower,	Hyman,	Proctor,
Brummell,	Jacobs,	Rand,
Bryan,	Jefferson,	Reid,
Burns,	Joiner,	Ragan,
J. P. Caldwell,	H. C. Jones,	Robards,
G. W. Caldwell,	J. B. Jones,	Russell,
Cardwell,	C. Jones,	Smith,
Carson,	R. Jones,	Spruill,
Chambers,	Keener,	Stallings,
Clegg,	Killian,	J. W. Taylor,
J. W. Covington,	King,	F. Taylor,
J. M. Covington,	I. W. Lane,	Thompson,
Davis,	W. B. Lane,	Tomlinson,
Dickson,	Lilly,	Wadsworth,
Doak,	Mangum,	L. Walker,
Eaton,	Massey,	J. Walker,
Ennett,	Mendenhall,	Whitehurst,
Farrow,	E. P. Miller,	F. Williams,
Fleming,	W. J. T. Miller,	Winston,

Foreman,	Mills,	Withers,
Franklin,	Monday,	Young,
J. R. Gilliam,	Morris,	Ziglar.
D. A. Graham,	Morrow,	

Mr. Guthrie moved to amend the bill by adding the following section:

"And be it further enacted, That it shall not be lawful for the Company, or its officers, to declare any dividend or bonus until the debts contracted by virtue of the provisions of this act are discharged.

Be it further enacted, That when the Company shall pay into the Treasury of the State the whole, or any part of the amount of debt created by this act, the Company shall immediately and forthwith be discharged and absolved from all further liability for such amount, and the same shall be paid to the bond-holders by the Treasurer of the State of North Carolina."

The question on the adoption of this amendment was decided in the negative—yeas 24, nays 84. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs.

Adams,	Farrow,	King,
Baker,	Guthrie,	W. B. Lane,
Bannerman,	Hawkins,	I. W. Lane,
J. Barnes,	Herring,	McCleese,
Biggs,	Holt,	Powell,
Davis,	J. B. Jones,	Ragan,
Dickson,	R. Jones,	Smith,
Ennett,	Kerr,	Stallings.

Those who voted in the negative, were

Messrs.

Allen,	Graves,	McCollum,
E. Barnes,	Gray,	McLaughlin,
Barringer,	Guyther,	McLaurin,
Beall,	Hill,	McMillan,
Boyd,	Hoke,	Paine,
Boyden,	Holland,	Patton,

Brannock,	Howerton,	Pemberton,
Brogden,	Huggins,	Poindexter,
Brower,	Hyman,	Pope,
Brummell,	Jacobs,	Proctor,
Bryan,	Jefferson,	Rand,
Burns,	Joiner,	Reid,
J. P. Caldwell,	H. C. Jones,	Robards,
G. W. Caldwell,	C. Jones,	Russell,
Cardwell,	Keener,	Spruill,
Carson,	Killain,	Sullivan,
Clegg,	Lilly,	J. W. Taylor,
J. M. Covington,	Mangum,	F. Taylor,
J. W. Covington,	Massey,	Thompson,
Doak,	Mendenhall,	Wadsworth,
Eaton,	E. P. Miller,	J. Walker,
Fleming,	W. J. T. Miller,	L. Walker,
Foreman,	J. T. Miller,	Whitehurst,
Franklin,	Mills,	F. Williams,
J. R. Gilliam,	Monday,	Winston,
D. A. Graham,	Morris,	Withers,
J. Graham,	Morrow,	Young,
Grandy,	McClenehan,	Ziglar.

Mr. Guthrie here made a question of order, whether a stockholder in said rail road company, had a right under the 9th rule of order, to vote on any of the questions presented in said bill, and the Speaker, after stating the said rule in the following words, to-wit: "No person shall vote on any question in the event of which he is immediately and directly interested"—decided that no member who is a stockholder has such right to vote.

From this decision, Mr. Thompson appealed to the House, and the question shall the decision of the chair stand as the Judgment of the House? was decided in the affirmative.

Mr. Biggs presented the following amendment: "Be it further enacted, that in addition to the security hereinbefore provided for the indemnity of the State, the private stockholders shall be liable as security to the State in their individual capacity in proportion to the amount of the stock held and owned by said stockholders; and before this act goes into operation there shall be a meeting of the stockholders who shall agree to accept the credit of the State on the terms proposed in this act; and private stockholders owning at least three-fourths of the amount of

stock subscribed for by individuals, shall agree to accept the same in said general meeting; and such agreement shall be officially made known to the Treasurer by the President of said company, accompanying the same with the names of the private stockholders and the amount of stock held by each who may accept the same."

The question on the adoption of this amendment was decided in the negative—yeas 45, nays 62. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.

Adams,	J. Graham,	Monday,
Allen,	Graves,	Morrow,
Bannerman,	Guthrie,	McCleese,
J. Barnes,	Hawkins,	Powell,
E. Barnes,	Herring,	Ragan,
Biggs,	Hoke,	Rand,
Boyd,	Holland,	Russell,
Brogden	Jacobs,	Smith,
G. W. Caldwell,	J. B. Jones,	Stallings,
Cardwell,	C. Jones,	F. Taylor,
Chambers,	R. Jones,	Tomlinson,
Davis,	Killian,	Wadsworth,
Dickson,	I. W. Lane,	L. Walker,
Ennett,	Mangum,	J. Walker,
Farrow,	Massey,	Ziglar.

Those who voted in the negative, were

Messrs.

Barringer,	Gray,	McMillan,
Beall,	Guyther,	Neal,
Boyden,	Holt,	Paine,
Brannock,	Huggins,	Patton,
Brower,	Hyman,	Pemberton,
Brummell,	Jefferson,	Poindexter,
Bryan,	H. C. Jones,	Pope,
Burns,	Keener,	Proctor
J. P. Caldwell,	King,	Reid,
Carson,	W. B. Lane,	Robards,
Clegg,	Lilly,	Siler,
J. M. Covington,	Mendenhall,	Spruill,

J. W. Covington,	E. P. Miller,	J. W. Taylor,
Doak,	W. J. T. Miller,	Thompson,
Eaton,	Mills,	Whitehurst,
Fleming,	Morris,	F. Williams,
Foreman,	Murchison,	Winston,
Franklin,	McCollum,	Wilson,
J. R. Gilliam,	McClenahan,	Withers,
D. A. Graham,	McLaughlin,	Young.
Grandy,	McLaurin,	

The bill was further amended, on motion of Mr Brogden, and the question shall the said bill pass as amended the second reading? was decided in the affirmative—yeas 56, nays 52. The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative, were

Messrs.

Barringer,	J. Graham,	McMillan,
Beall,	Grandy,	Neal,
Boyden,	Guthrie,	Paine,
Brogden,	Guyther,	Patton,
Brannock,	Hoke,	Pemberton,
Brower,	Huggins,	Poindexter,
Brummell,	H. C. Jones,	Pope,
Bryan,	Keener,	Proctor,
Burns,	W. B. Lane,	Rand,
J. P. Caldwell,	Lilly,	Siler,
Carson,	Mendenhall,	Spruill,
Clegg,	W. J. T. Miller,	Thompson,
J. M. Covington,	Mills,	Whitehurst,
J. W. Covington,	Morris,	F. Williams,
Doak,	Murchison,	Winston,
Fleming,	McClenahan,	Wilson,
Franklin,	McCollum,	Withers,
J. R. Gilliam,	McLaughlin,	Young.
D. A. Graham,	McLaurin,	

Those who voted in the negative, were

Messrs.

Adams,	Hawkins,	Monday,
Allen,	Herring,	Morrow,
Bannerman,	Holland,	McCleese,

E. Barnes,	Holt,	Powell,
J. Barnes,	Hyman,	Ragan,
Biggs,	Jacobs,	Reid,
Boyd,	Jefferson,	Robards,
G. W. Caldwell,	Joiner,	Russell,
Cardwell,	J. B. Jones,	Smith,
Chambers,	C. Jones,	Stallings,
Davis,	R. Jones.	J. W. Taylor,
Dickson,	Killian,	F. Taylor,
Eaton,	King,	Tomlinson,
Ennett,	I. W. Lane,	Wadsworth,
Farrow,	Mangum,	L. Walker,
Foreman,	Massey,	J. Walker,
Graves,	E. P. Miller,	Ziglar.
Gray,		

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 22, 1840.

Mr. J. P. Caldwell introduced a petition from sundry citizens of Iredell county, praying that a portion of said county be attached to the county of Wilkes; which was, on motion, referred to the members of the House of Commons representing the counties of Iredell and Wilkes.

On motion of Mr. McLaughlin,

Resolved, That the Committee on Military Affairs be instructed to enquire whether any further legislation be necessary to effect an election of general officers in the fifth division and fifth brigade of North Carolina Militia.

On motion of Mr. Monday,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the patrol law as to increase their pay; and that they report by bill or otherwise.

Mr. Davis presented a resolution in favor of John Davis, sheriff of Lenoir county, which was read the first time

and passed, and referred, on motion of Mr. Davis, to the Committee on Propositions and Grievances.

Received from his Excellency the Governor, by his Private Secretary, the following communication:

“ EXECUTIVE DEPARTMENT, }
December 21, 1840. }

To the General Assembly of North Carolina:

GENTLEMEN:

I have the honor, at the request of several citizens of our State, to submit the within memorial to your consideration, on the subject of French Spoliations prior to 1801.

The accompanying documents of Congress, received from a different source, shews the favorable light of several committees of that body, the action of other States and other bodies on the subject matter of the memorial, as well as the number of sufferers and the deep interest of our State in the claims on the Federal Government, create a strong claim on your honorable body for assistance in such way as you may deem necessary and proper.

I am, very respectfully, your ob't servant,
ED. B. DUDLEY.

On motion of Mr. J. P. Caldwell,

Ordered, That the communication and accompanying documents be sent to the Senate, with a proposition that they be referred to a joint select committee of five on the part of each House.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of George Little; which was read the first time and passed.

Mr. H. C. Jones presented a petition from sundry citizens of the counties of Surry, Wilkes and Iredell, praying the erection of a new county out of portions of said counties.

Ordered, On motion of Mr. Boyden, that it be referred to the Committee on Propositions and Grievances.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported unfavorably on the petition from Currituck county, relating to hunting and fishing on the unenclosed marshes; and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyden presented a bill to amend the revised sta-

tutes, entitled an act concerning the appointment of guardians and the management of orphans and their estates; which was read the first time and passed, and referred, on Mr. Boyden's motion, to the committee on the judiciary.

Mr. Farrow presented a bill concerning the Superior Court of the county of Hyde; which was read the first time and passed.

The bill to lay off and establish a road down the Blue Ridge, from the line of Yancey county to Turkey Cove Creek, in Burke county, was read the second time and passed.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John J. Briggs; which was read the first time and passed.

Mr. Mendenhall presented a petition from the Trustees of Wake Forest College, asking a loan from the funds of the State, in aid of the funds of the College.—The petition was, on motion of Mr. Mendenhall, referred to the Joint Committee on Education.

The bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their waters, was taken up and considered; and on motion of Mr. Paine, postponed indefinitely.

Mr. Guthrie offered the following resolution, which was read and rejected:

Resolved, That when this House adjourns on Thursday next; it shall adjourn to meet on Monday at 10 o'clock.

Mr. Winston presented a bill to enlarge the limits of the town of Wadesborough, in Anson county; which was read the first time and passed, and on motion of Mr. Winston, referred to the committee on propositions and grievances.

Mr. Moore presented a bill to authorise the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes; which was read the first time and passed.

Mr. Boyden presented a bill to amend the Revised Statutes, entitled an act for restraining the taking of excessive usury.

Mr. E. P. Miller moved that the said bill be rejected.

The question thereon was decided in the negative, and the said bill was read the first time and passed, and referred to the Committee on the Judiciary.

On motion, leave of absence from the service of the House from Thursday next to Tuesday next, was granted to Messrs. Thompson and Eaton.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend the 58th chapter of the Revised Statutes, entitled Insolvent Debtors; which was read the first time and passed.

Mr. King presented a resolution in favor of James C. Turrentine; which was read the first time and passed, and on motion of Mr. King, referred to the Committee on propositions and grievances.

Mr. Jefferson presented a petition from certain citizens of Rutherford county, praying that Martin H. Hamrick of said county be appointed a Justice of the Peace.

Ordered, on motion of Mr. H. C. Jones, that the paper lie on the table.

Mr. J. P. Caldwell presented a petition from James Erwin, praying that he may be permitted to surrender to the State certain lands purchased by him at the Cherokee Land Sales.

Ordered, on motion of Mr. J. P. Caldwell, that it be referred to the Committee on Cherokee Lands.

Mr. Keener presented a petition from Jesse R. Siler, praying indulgence on behalf of the State on a judgment obtained against him for land sold by the State, the title of which is disputed, until a suit be tried to settle the title. Referred, on motion of Mr. Keener, to the committee on propositions and grievances.

The resignation of E. Joiner, of Wayne; of William Ray, of Cumberland; and of Robert T. Paine, of Chowan, Justices of the Peace, were presented, read and accepted.

The House then adjourned until to-morrow morning ten o'clock.

WEDNESDAY, DEC. 23, 1840.

Received from the Senate a message, proposing that the two Houses adjourn *sine die* on Monday, the 4th of January next.

The question on concurring in this proposition was de-

cided in the affirmative—yeas 58, nays 41. The yeas and nays demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were

Messrs.

Adams,	Gee,	Morrow,
Baker,	J. R. Gilliam,	Munroe,
Bannerman,	Graves,	McCleese,
J. Barnes,	Guyther,	McCollum,
E. Barnes,	Herring,	McLaughlin,
Biggs,	Holland,	Neal,
Boyd,	Holt,	Powell,
Brogden,	Huggins,	Ragan,
G. W. Caldwell,	Joiner,	Russell,
J. P. Caldwell,	J. B. Jones,	Spruill,
Cardwell,	R. Jones,	Sullivan,
Clegg,	I. W. Lane,	Stallings,
J. M. Covington,	Mangum,	J. W. Taylor,
Davis,	E. P. Miller,	F. Taylor,
Dickson,	J. T. Miller,	Tomlinson,
Doak,	W. J. T. Miller,	L. Walker,
Ennett,	Mills,	J. Walker,
Farrow,	Monday,	Young,
Franklin,	Morris,	Ziglar.
Kerr,		

Those who voted in the negative, were

Messrs.

Barringer,	J. Graham,	Patton,
Beall,	Hill,	Patterson,
Boyden,	Hyman,	Poindexter,
Brannock,	Jacobs,	Proctor,
Brower,	Jefferson,	Rand,
Brummell,	Keener,	Reid,
Bryan,	W. B. Lane,	Robards,
Burns,	Lilly,	Siler,
Carson,	Massey,	Smith,
Chambers,	Mendenhall,	Wadsworth,
J. W. Covington,	Moore,	Whitehurst,
Eaton,	Murchison,	F. Williams,
Fleming,	McClenehan,	Withers,
D. A. Graham,	McLaurin,	

On motion of Mr. Jefferson,

Resolved, That this House hold evening sessions from and after Monday next.

Mr. Carson presented a bill to punish unlawful mining by indictment; which was read the first time and passed and referred, on Mr. Carson's motion, to the Committee on the Judiciary.

Mr. Moore presented a petition from sundry citizens of Halifax county, praying the passage of a law securing to every family in the State a "Homestead;" which was read and referred to the Committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed bill concerning jurors in Yancy county, with an amendment and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill authorising the Governor to appoint an agent in the county of Macon and Cherokee, with sundry amendments and asking the concurrence of this House. The amendments were read and concurred in.

Received from his Excellency Governor Dudley, by his private Secretary, a message transmitting the information required by a joint resolution of the two Houses of the General Assembly in relation to the affairs and condition of the University.

Ordered, On motion of Mr. Barringer, that the communication be transmitted to the Senate, with a proposition that it be printed.

A message from the Senate, informing that Messrs. Clingman and Arrington form their branch of the committee on enrolled bills for this week.

The bill for the relief of the Wilmington and Raleigh Rail Road Company, was read the third time.

Mr. F. Taylor offered an amendment to said bill in the following words: "the individual property of the stockholders shall be bound as security to the State." The question on the adoption of the amendment was decided in the negative—yeas 42, nays 61. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.

Adams,

J. Graham,

W. J. T. Miller,

Bannerman,	Gray,	Monday,
J. Barnes,	Guthrie,	Morrow,
E. Barnes,	Hawkins,	McCleese,
Biggs,	Hoke,	Powell,
Boyd,	Holland,	Ragan,
Brogden,	Howerton,	Russell,
G. W. Caldwell,	Jacobs,	Stallings,
Cardwell,	J. B. Jones,	F. Taylor,
Chambers,	R. Jones,	Tomlinson,
Davis,	Killian,	Wadsworth,
Dickson,	I. W. Lane,	L. Walker,
Ennett,	Mangum,	J. Walker,
Farrow,	Massey,	Ziglar.

Those who voted in the negative, were

MESSRS.

Allen,	Graves,	McMillan,
Barringer,	Holt,	Neal,
Beall,	Huggins,	Paine,
Boyden,	Hyman,	Patton,
Brannock,	Jefferson,	Patterson,
Brower,	Joiner,	Pemberton,
Brummell,	H. C. Jones,	Poindexter,
Bryan,	C. Jones,	Pope,
Burns,	Keener,	Proctor,
J. P. Caldwell,	W. B. Lane,	Rand,
Carson,	Lilly,	Siler,
Clegg,	Mendenhall,	Smith,
J. M. Covington,	E. P. Miller,	Spruill,
J. W. Covington,	Mills,	J. W. Taylor,
Doak,	Morris,	Thompson,
Eaton,	Murchison,	Whitehurst,
Fleming,	McClenehan,	F. Williams,
Foreman,	McCollum,	Winston,
Franklin,	McLaughlin,	Withers,
J. R. Gilliam,	McLaurin,	Young.
D. A. Graham,		

The question now being on the passage of the bill the third reading, was decided in the affirmative—yeas 55, nays 50. The yeas and nays demanded by Mr. Biggs,

Those who voted in the affirmative, were

Messrs.

Barringer,	J. Graham,	McMillan,
Beall,	Guthrie,	Neal,
Boyden,	Guyther,	Paine,
Brogden,	Hoke,	Patton,
Brannock,	Huggins,	Pemberton,
Brower,	Jefferson,	Poindexter,
Brummell,	H. C. Jones,	Pope,
Bryan,	Keener,	Proctor,
Burns,	W. B. Lane,	Rand,
J. P. Caldwell,	Lilly,	Siler,
Carson,	Mendenhall,	Spruill,
Clegg,	W. J. T. Miller,	Thompson,
J. M. Covington,	Mills,	Whitehurst,
J. W. Covington,	Murchison,	F. Williams,
Doak,	McClenehan,	Winston,
Fleming,	McCollum,	Wilson,
Franklin,	McLaughlin,	Withers,
J. R. Gilliam,	McLaurin,	Young.
D. A. Graham,		

Those who voted in the negative, were

Messrs.

Adams,	Hawkins,	Morrow,
Allen,	Holland,	McCleese,
Bannerman,	Holt,	Patterson,
E. Barnes,	Howerton,	Powell,
J. Barnes,	Hyman,	Ragan,
Biggs,	Jacobs,	Robards,
Boyd,	Joiner,	Russell,
G. W. Caldwell,	J. B. Jones,	Smith,
Cardwell,	C. Jones,	Stallings,
Chambers,	R. Jones,	J. W. Taylor,
Davis,	Killian,	F. Taylor,
Dickson,	I. W. Lane,	Tomlinson,
Eaton,	Mangum,	Wadsworth,
Ennett,	Massey,	L. Walker,
Farrow,	E. P. Miller,	J. Walker,
Graves,	Monday,	Ziglar.
Gray,	Morris,	

Ordered, That said bill be engrossed.

Mr. Barringer presented a bill to enable the commissioners of Raleigh to appoint trustees of the Rex Hospital fund, and to erect such trustees into a body corporate, and for other purposes; which was read the first time and passed.

On motion, leave of absence from the service of the House from Friday to Monday next, was granted to Mr. Ragan.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Lincoln, Burke, Wilkes and Iredell, praying a new county to be erected out of their limits, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Winston, from the Committee on the Judiciary, reported a bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in the year 1824, authorizing the making a Turnpike Road in the county of Buncombe; which was read the first time and passed.

Mr. Winston, from the same committee, reported the bill to alter the laws respecting auction sales without amendment; when said bill was read the second time and passed.

On motion of Mr. Reid,

Resolved, That so much of the report of the Board of Internal Improvement as relates to the payment of Engineers for surveys of Fayetteville and Western Rail Road Company, be referred to the Committee on Claims.

Mr. Guthrie presented a bill concerning public bridges, which was read the first time and passed.

Mr. Hoke moved to amend the 19th rule of order so as to read "no member shall vote on any question who was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted." The proposed substitute was read and laid over one day under the rule.

Mr. Munroe presented a memorial from the 34th regiment of militia, praying a repeal of so much of the militia laws as restricts company musters to two in a year.

The memorial was referred, on motion of Mr. Munroe, to the Committee on Military Affairs.

Mr. Poindexter presented a petition from sundry citi-

zens of Surry county, against the erection of a new county out of a portion of the limits of Surry, Iredell and Wilkes. Said petition was referred, on Mr. Poindexter's motion, to the committee on Propositions and Grievances.

Mr. Reid, from the Committee on Propositions and Grievances, reported a resolution in favor of Lunsford Lane; which was read, and, on motion of Mr. Spruill, postponed Indefinitely—yeas 73, nays 35.

The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Adams,	Hawkins,	McCollum,
Baker,	Herring,	McLaughlin,
Bannerman,	Holt,	McMillan,
J. Barnes,	Hill,	Neal,
E. Barnes,	Howerton,	Paine,
Biggs,	Huggins,	Patton,
Boyd,	Jacobs,	Pope,
Brogden,	Jefferson,	Powell,
G. W. Caldwell,	Joiner,	Ragan,
Cardwell,	J. B. Jones,	Rand,
Chambers,	C. Jones,	Robards,
Clegg,	R. Jones,	Russell,
Davis,	Kerr,	Smith,
Dickson,	King,	Spruill,
Eaton,	Mangum,	Sullivan,
Ennett,	Massey,	Stallings,
Farrow,	E. P. Miller,	J. W. Taylor,
Foreman,	J. T. Miller,	F. Taylor,
Franklin,	Mills,	Thompson,
D. A. Graham,	Monday,	Tomlinson,
J. Graham,	Morris,	Wadsworth,
Grandy,	Morrow,	L. Walker,
Graves,	Munroe,	Wilson,
Gray,	McCleese,	Withers.
Guyther,		

Those who voted in the negative, were

Messrs.

Allen,	Doak,	Murchison,
Barringer,	Hoke,	McClenehan,
Beall,	Holland,	McLaurin,

Boyden,	Hyman,	Pemberton,
Brannock,	H. C. Jones,	Proctor,
Brummell,	Keener,	Reid,
Bryan,	Killian,	Siler,
Burns,	W. B. Lane,	Whitehurst,
J. P. Caldwell,	Lilly,	F. Williams,
Carson,	Mendenhall,	Young,
J. W. Covington,	W. J. T. Miller,	Ziglar.
J. M. Covington,	Moore,	

The bill to make elections uniform throughout the State, and amendatory of the Revised Statutes concerning the General Assembly of the State, concerning the Governor of the State, concerning the mode of choosing Representatives in the Congress of the United States, concerning sheriffs, and concerning Clerks of the County and Superior Courts, was read the second time.

Mr. Patton moved to amend the bill, by striking out the "last Thursday in July," and inserting the "first Thursday in August."

The question thereon was decided in the affirmative—yeas 81, nays 37. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were :

Messrs.

Adams,	Hoke,	Munroe,
E. Barnes,	Holland,	Murchison,
Barringer,	Holt,	McCollum,
Beall,	Huggins,	McLaughlin,
Biggs,	Hyman,	McLaurin,
Boyd,	Jacobs,	McMillan,
Boyden,	Jefferson,	Patterson,
Brannock,	J. B. Jones,	Patton,
Brogden,	C. Jones,	Pemberton,
Brower,	R. Jones,	Powell,
Brummell,	Keener,	Ragan,
G. W. Caldwell,	Kerr,	Rand,
Cardwell,	Killian,	Reid,
Carson,	King,	Siler,
Chambers,	W. B. Lane,	Sullivan,
Clegg,	I. W. Lane,	Stallings,
J. W. Covington,	Lilly,	J. W. Taylor,
J. M. Covington,	Mangum,	Tomlinson,

Davis,	Massey,	Wadsworth,
Dickson,	Mendenhall,	J. Walker,
Doak,	E. P. Miller.	L. Walker,
Fleming,	J. T. Miller,	Whitehurst,
D. A. Graham,	W. J. T. Miller,	Winston,
J. Graham,	Mills,	Wilson,
Graves,	Monday,	Young,
Guthrie,	Morris,	Ziglar.
Herring,	Morrow,	
F. Taylor,		

Those who voted in negative, were

Messrs.

Allen,	J. R. Gilliam,	Neal,
Baker,	Grandy,	Paine,
Bannerman,	Gray,	Poindexter,
J. Barnes,	Guyther,	Pope,
Bryan,	Hawkins,	Proctor,
Burns,	Hill,	Robards,
J. P. Caldwell,	Howerton,	Russell,
Eaton,	Joiner,	Smith,
Ennett,	H. C. Jones,	Spruill,
Farrow,	Moore,	Thompson,
Foreman,	McCleese,	F. Williams,
Franklin,	McClenehan,	Withers.
Gee,		

The question, shall the said bill pass the second reading? was determined in the affirmative—yeas 93, nays 19. The yeas and nays demanded by Mr. Foreman.

Those who voted in the affirmative, were

Messrs:

Adams,	Guthrie,	Morrow,
Baker,	Herring,	Munroe,
J. Barnes,	Hill,	McClenehan,
E. Barnes,	Hoke,	McLaughlin,
Barringer,	Holland,	McLaurin,
Beall,	Holt,	McMillan,
Biggs,	Howerton,	Paine,
Boyd,	Huggins,	Patton,
Boyden,	Hyman,	Patterson,
Brannock,	Jacobs,	Pemberton,

Brogden,	Jefferson,	Poindexter,
Brower,	H. C. Jones,	Pope,
Brummell,	J. B. Jones,	Powell,
Burns,	C. Jones,	Proctor,
G. W. Caldwell,	R. Jones,	Ragan,
Cardwell,	Kerr,	Rand,
Carson,	Killian,	Spruill,
Chambers,	King,	Stallings,
Clegg,	W. B. Lane,	J. W. Taylor,
J. W. Covington,	I. W. Lane,	F. Taylor,
J. M. Covington,	Lilly,	Thompson,
Davis,	Mangum,	Tomlinson,
Dickson,	Massey,	Wadsworth,
Doak,	Mendenhall,	L. Walker.
Fleming,	E. P. Miller,	J. Walker.
Franklin,	J. T. Miller,	Whitehurst,
Gee,	W. J. T. Miller,	F. Williams.
D. A. Graham,	Mills,	Wilson,
J. Graham,	Monday,	Withers,
Grandy,	Moore,	Yong,
Graves,	Morris,	Ziglar.

Those who voted in the negative, were

Messrs.

Allen,	Gray,	McCollum,
Bannerman,	Guyther,	Neal,
Bryan,	Hawkins,	Robards,
J. P. Caldwell,	Joiner,	Russell,
Ennett,	Keener,	Siler,
Farrow,	McCleese,	Winston.
Foreman,		

Mr. Hill moved that the said bill be again read the third time, and the House so ordered by a vote of 102 yeas, 8 nays. The yeas and nays demanded by Mr. Robards.

Those who voted in the affirmative, were

Messrs.

Adams,	Hawkins,	Murchison,
Allen,	Herring,	McCleese,
Baker,	Hill,	McClenahan,
Bannerman,	Hoke,	McCollum,
J. Barnes,	Holland,	McLaughlin,
E. Barnes,	Holt,	McLaurin,

Beall,	Howerton,	Neal,
Barringer,	Huggins,	Paine,
Biggs,	Hyman,	Patton,
Boyd,	Jacobs,	Patterson,
Boyden,	Jefferson,	Pemberton,
Brogden,	Joiner,	Poindexter,
Brannock,	H. C. Jones,	Pcwell,
Brower,	J. B. Jones,	Proctor,
Brummell,	C. Jones,	Ragan,
Bryan,	R. Jones,	Rand,
J. P. Caldwell,	Keener,	Reid,
Cardwell,	Kerr,	Siler,
Carson,	Killian,	Spruill,
Chambers,	King,	Sullivan,
Clegg,	W. B. Lane,	Stallings,
J. M. Covington,	I. W. Lane,	J. W. Taylor,
Davis,	Lilly,	F. Taylor,
Dickson,	Mangum,	Thompson,
Doak,	Massey,	Tomlinson,
Eaton,	Mendenhall,	Wadsworth,
Ennett,	E. P. Miller,	L. Walker.
Fleming,	J. T. Miller,	J. Walker,
Franklin,	W. J. T. Miller,	Whitehurst,
Gee,	Mills,	F. Williams,
D. A. Graham,	Monday,	Wilson,
J. Graham,	Morris,	Withers,
Grandy,	Morrow,	Young.
Graves,	Munroe,	Ziglar.
Gray,		

Those who voted in the negative, were

Messrs.

Burns,	Foreman,	Russell,
J. W. Covington,	Guthrie,	Smith.
Farrow,	Robards,	

Thereupon the said bill was read the third time and passed and ordered to be engrossed.

The bill to amend the Revised Statutes, entitled an act providing for the appointment of Electors to vote for President and Vice President of the United States, was read the second and third times, passed, and ordered to be engrossed.

Mr. Moore moved that the House do re-consider the

vote of yesterday whereby the bill to prevent obstructions to the passage of fish up the Roanoke and Cashie Rivers was postponed indefinitely.

The question on this motion was decided in the affirmative; and the question again recurring on the indefinite postponement of the bill, was decided in the negative—yeas 51, nays 55. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hoke,	McLaughlin,
Beall,	Holt,	McLaurin,
Boyden,	H. C. Jones,	McMillan,
Brummell,	J. B. Jones,	Paine,
Burns,	C. Jones,	Patton,
G. W. Caldwell,	Keener,	Pemberton,
J. M. Covington,	King,	Poindexter,
J. W. Covington,	Lilly,	Proctor
Eaton,	Mendenhall,	Rand,
Eunett,	J. T. Miller,	Robards,
Farro v,	Mills,	Smith,
Fleming,	Moore,	Stallings,
Foreman,	Morris,	Thompson,
Franklin,	Morrow,	F. Williams,
D. A. Graham,	Munroe,	Winston,
Grandy,	McCleese,	Withers,
Hill,	McClenehan,	Young.

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	Murchison,
Allen,	Hawkins,	McCollum,
Baker,	Herring,	Patterson,
Bannerman,	Holland,	Pope,
J. Barnes,	Howerton,	Powell,
E. Barnes,	Huggins,	Reid,
Biggs,	Hyman,	Russell,
Boyd,	Jacobs,	Spruill,
Brannock,	Jefferson,	Sullivan,
Brower,	Joiner,	J. W. Taylor,
Bryan,	R. Jones,	F. Taylor,

Cardwell,	Kerr,	Wadsworth,
Clegg,	Killian,	L. Walker,
Davis,	W. B. Lane,	J. Walker,
Dickson,	I. W. Lane,	Whitehurst,
Doak,	Massey,	Wilson,
Gee,	E. P. Miller,	Ziglar,
Graves,	W. J. T. Miller,	Monday.
Gray,		

Ordered, on motion of Mr. Wilson, that the said bill lie on the table.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DEC. 24, 1840.

On motion, leave of absence was granted to Mr. Gee, from the service of the House from this day until Monday next.

On motion of Mr. McLaughlin,

Ordered, That a message be sent to the Senate, proposing that the two Houses do vote immediately for Colonel, Lieutenant Colonel, and Major of Cavalry attached to the 15th brigade of the militia, and informing that Thomas A. Allison is nominated for Colonel; Amos Weaver for Lieutenant Colonel; and Edwin Falls as Major.

On motion of Mr. J. Barnes,

Resolved, That the Public Treasurer be instructed to report to this House when the bonds due to the State from the Raleigh and Gaston and the Wilmington and Raleigh R. Road Companies fall due, and what security has been taken from said Companies for the payment of the loans made to them, and the names of the several individuals and corporations who are indebted to the State, by loans from the Literary and Internal Improvement Funds; the several amounts due by each; when said debts fall due; and the security taken for their payment.

Mr. J. P. Caldwell, from the Committee on Military

Affairs, reported without amendment the bill to amend the 73rd chapter of the Revised Statutes, entitled an act concerning the militia: when the said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. Mills presented a bill altering the mode of drawing jurors for the Superior Courts of Rutherford county; which was read the first time and passed.

The engrossed bill to compel the militia officers to hold their commissions three years, was read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, agreeing to vote immediately for Cavalry officers attached to the 15th Brigade as proposed by this House, and informing that Messrs. Hill and Worth form their branch of the committee to conduct this election.

Ordered, That Messrs. McLaughlin and Ennett form said committee on the part of this House.

The House then proceeded to vote as follows :

FOR THOMAS A. ALLISON, as Colonel,

FOR AMOS WEAVER, as Lieut. Colonel,

FOR EDWIN FALLS, as Major,

Messrs.

Speaker,	Foreman,	W. J. T. Miller,
Adams,	Franklin,	Moore,
Allen,	J. R. Gilliam,	Morrow,
Bannerman,	D. A. Graham,	Munroe,
J. Barnes,	J. Graham,	Murchison,
E. Barnes,	Grandy,	McCleese,
Barringer,	Gray,	McClenehan,
Beall,	Guyther,	McLaughlin,
Biggs,	Hawkins,	McLaurin,
Boyd,	Hill,	McMillan,
Boyden,	Hoke,	Neal,
Braunock,	Holland,	Paine,
Brogden,	Holt,	Pemberton,
Brower,	Howerton,	Rand,
Brummell,	Huggins,	Reid,
Bryan,	Hyman,	Robards,
Burns,	Jacobs,	Russell,
J. P. Caldwell,	Jefferson,	Spruill,

Cardwell,	H. C. Jones,	Stallings,
Carson,	C. Jones,	J. W. Taylor,
Clegg,	R. Jones,	Tomlinson,
J. W. Covington.	King,	Wadsworth,
J. M. Covington,	I. W. Lane,	L. Walker,
Davis,	W. B. Lane,	J. Walker,
Dickson,	Lilly,	Whitehurst,
Doak,	Mangum,	F. Williams,
Ennett,	Massey,	Winston,
Farrow,	E. P. Miller,	Withers,
Fleming,	J. T. Miller,	Ziglar.

FOR THOS. A. ALLISON, Colonel,

FOR WM. M. ALLISON, Lieut. Colonel,

FOR EDWIN FALLS, Major,

Messrs.

Joiner,
Young,

Mendenhall,
Patton.

Mills,

FOR J. P. CALDWELL, Colonel,

W. M. ALLISON, Lieut. Colonel,

FOR EDWIN FALLS, Major,

Mr. Pope.

Mr. McLaughlin, from the committee appointed to superintend the election, reported that Thomas A. Allison was duly elected Colonel, and Amos Weaver Lieutenant Colonel, Edwin Falls Major. The report was concurred in.

Mr. Boyden called up for consideration the resolutions heretofore submitted by him in the following words:

1. *Resolved*, As the opinion of this House, that in the payment of debts of deceased persons, all claims except funeral charges and debts due the State and the United States ought to be regarded as of equal dignity, and in case of a deficiency of assets, to receive a pro rata payment.

2. *Resolved*, As the opinion of this House, that real estate, in case of a deficiency of personal assets, ought to be made assets in the hands of the executors or administrators, for the payment of debts.

3. *Resolved further*, That the committee on the judiciary be instructed to bring in a bill embodying the principles of the foregoing resolutions.

Mr. E. P. Miller moved that the further consideration of these resolutions be postponed indefinitely; the question thereon was decided in the negative—yeas 47, nays 57. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Bannerman,	Herring,	McCollum,
Boyd,	Holland,	McLaughlin,
Brannock,	Holt,	McLaurin,
Brower,	Howerton,	Paine,
J. P. Caldwell,	J. B. Jones,	Pemberton,
G. W. Caldwell,	C. Jones,	Powell,
Cardwell,	R. Jones,	Rand,
Chambers,	Kerr,	Reid,
J. W. Covington,	I. W. Lane,	Robards,
Davis,	Mangum,	Sullivan,
Dickson,	Massey,	Stallings,
Fleuning,	Mendenhall,	J. W. Taylor,
Foreman,	E. P. Miller,	J. Walker,
J. Graham,	Morrow,	Winston,
Grandy,	Munroe,	Ziglar.
Hawkins,	McCleese,	

Those who voted in the negative, were

Messrs.

Adams,	Gray,	Morris,
Allen,	Guthrie,	Murchison,
E. Barnes,	Guyther,	McClenahan,
J. Barnes,	Hill,	McMillan,
Barringer,	Hoke,	Neal,
Beall,	Huggins,	Patton,
Biggs,	Hyman,	Patterson,
Boyden,	Jacobs,	Proctor,
Brogden,	Jefferson,	Russell,
Brunnmeil,	Joiner,	Siler,
Bryan,	H. C. Jones,	Smith,
Burns,	Killian,	F. Taylor,
Clegg,	King,	Tomlinson,

J. M. Covington,	W. B. Lane,	Wadsworth,
Doak,	Lilly	L. Walker,
Ennett,	W. J. T. Miller,	Whitehurst,
Farrow,	J. T. Miller,	F. Williams,
Franklin,	Mills,	Withers,
D. A. Graham,	Moore,	Young.
Graves,		

Mr. Moore moved to strike out the first and third resolutions, and the House determined so to strike out; when, on motion of Mr. H. C. Jones, the second resolution was laid upon the table.

On motion, leave of absence from the service of the House from this day until Monday next, was granted to Mr. Russell.

Mr. Barringer, from the Committee on Internal Improvement, reported a bill for the relief of the Raleigh and Gaston Rail Road Company; which was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, reported a bill to make real estate assets in certain cases; which was read the first time and passed, and ordered to be printed, and made the order of the day for Saturday next.

Mr. Paine presented resolutions respecting the re-opening of Roanoke Inlet; which were read and made the order of the day for Tuesday next.

The resolution in favour of the sheriffs of the counties of Chatham, Columbus, Duplin, Macon, Nash, Washington, was read, and on motion of Mr. Spruill, was postponed indefinitely—yeas 54, nays 49. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Bannerman,	Hyman,	McLaughlin,
Boyd,	Jacobs,	McLaurin,
Boyden,	Jefferson,	McMillan,
Brannock,	Joiner,	Neal,
Brower,	H. C. Jones,	Paine,
Burns,	C. Jones.	Pemberton,
J. P. Caldwell,	King,	Proctor,
Cardwell,	W. B. Lane,	Reid,
Chambers,	Mendenhall,	Spruill,

J. W. Covington,	E. P. Miller,	Smith,
Fleming,	W. J. T. Miller,	J. W. Taylor,
Foreman,	Mills,	J. Walker,
Grandy,	Moore,	Whitehurst,
Hawkins,	Morris,	F. Williams,
Hill,	Morrow,	Winston,
Holt,	Munroe,	Withers,
Howerton,	Murchison,	Young,
Huggins,	McCollum,	Ziglar.

Those who voted in the negative, were

Messrs.

Adams,	Franklin,	J. T. Miller,
Allen,	D. A. Graham,	Monday,
J. Barnes,	J. Graham,	McCleese,
E. Barnes,	Graves,	Patton,
Beall,	Gray,	Patterson,
Biggs,	Guthrie,	Powell,
Brogden,	Herring,	Robards,
Brummell,	Hoke,	Rand,
Bryan,	Holland,	Russell,
Carson,	R. Jones,	Siler,
Clegg,	Kerr,	Sullivan,
J. M. Covington,	Killian,	Stallings,
Davis,	I. W. Lane,]	F. Taylor,
Dickson,	Lilly,	Tomlinson,
Doak,	Mangum,	L. Walker,
Ennett,	Massey,	Wadsworth.
Farrow,		

The House then adjourned until Saturday morning 10 o'clock.

SATURDAY, DEC. 26, 1840.

Mr. Patton presented a petition from sundry citizens of the counties of Buncombe and Yancy, praying that the County Courts of said counties be divested of the jurisdiction of jury cases; which was referred to the Committee on the Judiciary.

Mr. Patton presented a petition from sundry citizens of said counties, praying the erection of a new county out of a portion of said counties of Buncombe and Yancey. Said petition was referred to the committee on propositions and grievances.

Mr. Hill presented a bill for the establishment and regulation of Common Schools; which was read the first time and passed, and on motion of Mr. J. T. Miller, ordered to be printed.

Mr. Graves, from the committee on propositions and grievances, reported the resolution in favor of John Davis, sheriff of Lenoir county, without amendment, when the said resolution was, on motion of Mr. J. P. Caldwell, laid upon the table.

Mr. J. P. Caldwell, from the committee on propositions and grievances, reported without amendment the bill to enlarge the limits of the town of Wadesborough, in Anson county; when the said bill was read the second time and passed.

Mr. J. P. Caldwell, from the committee on military affairs, reported a bill to provide for the election of certain militia officers; which was read the first time and passed.

Mr. Proctor presented a resolution in favor of W. G. Lamb; which was read the first time and passed, and referred to the committee on claims, on motion of Mr. Proctor.

Mr. D. A. Graham presented a petition from sundry citizens of Richmond and Robeson counties, asking an appropriation for the clearing out of Lumber river. The petition was, on motion of Mr. Graham, referred to the Committee on Internal Improvements.

A message from the Senate, concurring in the proposition of this House to print the communication from his Excellency the Governor, in relation to the University.

Mr. Patton presented a bill to incorporate the town of Asheville, in the county of Buncombe, and to appoint commissioners thereof; which was read the first time and passed.

Mr. Bryan presented a petition from sundry citizens of Wilkes county, against the erection of a new county out of a portion of the counties of Iredell, Wilkes and Surry, as prayed for by certain other citizens; which was referred, on motion of Mr. Bryan, to the committee on propositions and grievances.

Mr. Jefferson moved that the House do re-consider their vote of Thursday last, adopting a resolution calling upon the Public Treasurer for the names of the debtors to the Literary and Internal Improvement Funds. The House agreed to re-consider the resolution, when, on motion of Mr. Lilly, the resolution was laid upon the table.

The resignation of Charles E. Johnson, of Chowan county, a Justice of the Peace, was presented, read and accepted.

Mr. Graves, from the committee on propositions and grievances, reported against the adoption of the resolution in favor of Waller Freeman. The report was concurred in.

On motion, leave of absence from the service of this House, from this day until Tuesday next, was granted to Mr. Spruill, and like leave was granted for this day to Mr. Patterson.

The engrossed bill directing the conveyance of the commons adjoining the town of Murphy, to the chairman of the county court of Cherokee, was read the second time, amended and passed.

On motion, the said bill was again read the third time; and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 56, nays 36. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Adams,	Grandy,	McCleese,
Barringer,	Gray,	McCollum,
Beall,	Guyther,	McLaughlin,
Biggs,	Holt,	McLaurin,
Boyden,	Huggins,	McMillan,
Brower,	Hyman,	Neal,
Brummell,	Jefferson,	Paine,
Bryan,	H. C. Jones,	Patton,
Burns,	King,	Pemberton,
J. P. Caldwell,	Lilly,	Pope,
Carson,	Mendenhall,	Proctor,
J. M. Covington,	E. P. Miller,	Siler,
Doak,	W. J. T. Miller,	Stallings,
Ennett,	J. T. Miller,	Whitehurst,
Farrow,	Monday,	J. O'K. Williams,

Fleming,	Moore,	F. Williams,
Franklin,	Morris,	Winston,
J. R. Gilliam,	Munroe,	Young.
J. Graham,	Murchison,	

Those who voted in the negative, were

Messrs.

Allen,	D. A. Graham,	Manguin,
Baunerman,	Hawkins,	Massey,
E. Barnes,	Herring,	Morrow,
Boyd,	Holland,	Powell,
Brannock,	Jacobs,	Rand,
Brogden,	Joiner,	Smith,
G. W. Caldwell,	J. B. Jones,	Sullivan,
Cardwell,	C. Jones,	J. W. Taylor,
Chambers,	R. Jones,	F. Taylor,
Clegg,	Kerr,	L. Walker,
Davis,	Killain,	J. Walker,
Dickson,	I. W. Lane,	Wadsworth.

Ordered, That the concurrence of the Senate be asked in the amendment made on the second reading of the bill.

Mr. Winston, from the committee on the judiciary, reported without amendment, the bill to amend the revised statutes entitled an act concerning registers; when the said bill was read the second and third times, passed, and ordered to be engrossed.

Mr. Barringer presented a petition from John L. Russwurm, as the heir of Wm. Russwurm, praying that a military land warrant be issued to him for the revolutionary service right of his said father.

Ordered, That the same be referred to the committee on claims.

The bill to amend an act of 1838, laying off a road from Burnsville, Yancy county, to the turnpike line, was read the second time and passed.

A message from the Senate, informing that they had passed the engrossed bill to alter the time of holding the county court of Lincoln.

Also the engrossed bill to incorporate the Greensboro' Guards in the county of Guilford; and the engrossed bill to incorporate a light artillery company in the town of Newbern, and asking the concurrence of this House.—The said bills were read the first time and passed.

A message from the Senate, informing that they have passed the engrossed resolution in favor of J. R. Siler and D. R. Lowry, and asking the concurrence of this House. The said resolution was read, adopted and ordered to be enrolled.

The resolution directing the Secretary of State to deposit certain documents in the Library of the University, was read the second and third times, passed and ordered to be engrossed.

Mr. Wilson presented the following resolution; which was read and laid upon the table:

Resolved, That the House of Commons will not receive resolutions of any kind from and after Thursday next.

The resolution in favor of Peter Faust's administrator, was read the second and third times, passed, and ordered to be engrossed.

The resolution in favor of Mark H. Hill, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they have passed the following engrossed bills, viz:

A bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up the Pedee and main Yadkin rivers.

And the bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes, and asking the concurrence of this House. The bills were read the first time, and passed.

And the last named bill was, on motion of Mr. Moore, referred to the committee on the judiciary.

The resignation of Green B. Palmer, as a justice of the peace of the county of Montgomery, was received from the Senate, read and accepted.

The engrossed bill to incorporate the Concord Manufacturing Company, was read, and, on motion of Mr. Barringer, laid upon the table.

The bill to amend an act, entitled an act to amend the 58th chapter of the revised statutes, entitled insolvent debtors, was read the second time and passed.

On motion of Mr. Biggs,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the

book debt law, so as to permit executors and administrators to prove the accounts of their testators or intestates, for work and labor done, as well as for articles delivered.

On motion of Mr. C. Jones,

Resolved, That an appropriation not exceeding two hundred dollars be made, for the purpose of rendering the passage leading to the roof of the Capitol fire-proof, and that the Public Treasurer be required to see this object early and effectually attended to.

Mr. Whitehurst presented a bill to alter the time of holding the Court of Pleas and Quarter Sessions of the county of Carteret; which was read the first time and passed.

Mr. Boyden, from the committee on education, reported unfavorably on the petition from sundry citizens of Iredell, on the subject of common schools, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyden, from the same committee, prayed to be discharged from the further consideration of the petition from sundry citizens of Waynesville, upon the same subject. The report was concurred in.

A message from the Senate, informing that they have passed the engrossed resolution in favor of Isaac Hunter, with sundry amendments, and asking the concurrence of this House. The said amendments were read and concurred in.

The engrossed bill to repeal in part the 9th section of the 23rd chapter of the revised statutes, concerning the comptroller, was read, and, on motion of Mr. J. T. Miller, postponed indefinitely, yeas 52, nays 34.

The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Allen,	Graves,	Murchison,
E. Barnes,	Gray,	McCleese,
Barringer,	Hill,	McLaughlin,
Beall,	Holt,	McLaurin,
Boyd,	Huggins,	Neal,
Brannock,	Hyman,	Paine,
Brogden,	Jefferson,	Pemberton,

Brower,	Joiner,	Pope,
Bryan,	H. C. Jones,	Proctor,
Clegg,	C. Jones,	Siler,
J. M. Covington,	Mendenhall,	J. W. Taylor,
Doak,	E. P. Miller,	Wadsworth,
Ennett,	J. T. Miller,	L. Walker,
Farrow,	W. J. T. Miller,	Whitehurst,
Franklin,	Moore,	F. Williams,
J. R. Gilliam,	Morris,	Wilson,
J. Graham,	Munroe,	Young.
Grandy,		

Those who voted in the negative, were

MESSRS.

Adams,	D. A. Graham,	Monday,
Bannerman,	Guthrie,	Morrow,
Biggs,	Guyther,	Patton,
Boyden,	Herring,	Powell,
Burns,	Holland,	Smith,
J. P. Caldwell,	Jacobs,	Sullivan,
G. W. Caldwell,	J. B. Jones,	Stallings,
Cardwell,	R. Jones,	F. Taylor,
Chambers,	Kerr,	J. Walker,
Carson,	King,	J. O'K. Williams,
Davis,	I. W. Lane,	Ziglar.
Dickson,		

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DEC. 28, 1840.

Messrs. Gray, Dickson, Munroe, Holt, were appointed the committee on enrolled bills the present week.

Mr. Winston, from the Committee on the Judiciary, who were instructed to inquire into the expediency of increasing the pay of patrols, reported against the alteration of the law in this particular, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. J. O'K. Williams presented the following Resolutions:

WHEREAS, the Congress of the United States, at its last session, set aside the Representatives from New Jersey, having the legal certificate of their election from the Executive of said State, given in accordance with the provisions of the Constitutions of the United States and the State of New Jersey, and admitted others to occupy their places, in violation of all parliamentary usage and of the rights and liberties of the people of New Jersey:

Therefore be it Resolved, That the act aforesaid was a palpable violation of that clause of the Constitution of the United States which declares that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

Resolved further, That the precedent is at variance with all the customs and laws established for the government of legislative bodies; and if carried out into practice hereafter, would be destructive of the fundamental principles of republican government, and of the rights and sovereignty of the States.

Resolved further, That it is the duty of the several Legislatures of the States composing the Union, indignantly to frown on this first attempt of a factious majority in Congress to trample on all laws and all precedents, to give power to fasten an odious measure upon the people, in obedience to Executive dictation.

Resolved further, That we will stand by our sister State, New Jersey, in the assertion of her rights; and we congratulate her on the brilliant victory she has achieved, and the withering rebuke she has thereby given to the tools and minions of Executive power.

Mr. G. W. Caldwell moved that said resolutions be laid upon the table. The question thereon was decided in the negative.

Ordered, on motion of Mr. J. O'K. Williams, that the said resolutions be referred to the select committee heretofore raised on the subject matter embraced by said resolutions.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to punish unlawful mining by indictment; when the said bill was read the second time and rejected.

Mr. J. P. Caldwell, from the select committee raised upon the subject, reported a bill to attach a part of Iredell to the county of Wilkes. The said bill was read the first, second and third times, passed, and ordered to be engrossed.

On motion of Mr. Siler,

Resolved, That the joint select committee on Cherokee lands be required to inquire into the expediency of appropriating a sufficient amount of Cherokee bonds to make a road across the Tusquittee Gap, in Macon and Cherokee counties; and that they report by bill or otherwise.

Mr. W. J. T. Miller offered the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of allowing Justices of the Peace a reasonable compensation for their official acts; and that they report by bill or otherwise.

The said resolution was read and rejected.

Mr. Paine presented a bill supplemental to an act entitled an act concerning the draining of low lands; and Mr. Reid a bill to incorporate the Franklin Library Society in the town of Fayetteville.

These bills were read the first time and passed.

Mr. Winston, from the Committee on the Judiciary, to whom was referred the petition from Halifax county, in relation to Homesteads, reported against legislating on the subject, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. Joseph P. Caldwell, from the Committee on Propositions and Grievances, reported against the expediency of legislating upon the memorial of Jesse R. Siler, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. H. C. Jones, from the Committee on the Judiciary, who were instructed to inquire into the expediency of altering and amending the law relating to vagrants, reported that in the opinion of the committee it was not expedient to legislate further upon the subject.

Mr. Boyden moved that the report be re-committed to the Judiciary Committee, with instructions to bring in a bill to repeal so much of the vagrant law as authorizes selling, hiring or whipping free white persons.

Mr. Guthrie moved that the report and Mr. Boyden's motion be laid upon the table.

The question on Mr. Guthrie's motion was determined in the negative—yeas 18, nays 90. Yeas and nays demanded by Mr. Stallings.

Those who voted in the affirmative, were

Messrs.

Allen,	Joiner,	McCollum,
Beall,	Mendenhall,	McLaughlin,
Burns,	W. B. Lane,	McLaurin,
Fleming,	E. P. Miller,	Neal,
Guthrie,	W. J. T. Miller,	Reid,
Hoke,	Mills,	Whitehurst.

Those who voted in the negative, were

Messrs.

Adams,	Graves,	McClenehan,
Bannerman,	Gray,	McMillan,
E. Barnes,	Guyther,	Patton,
J. Barnes,	Herring,	Patterson,
Barringer,	Hill,	Pemberton,
Biggs,	Holland,	Poindexter,
Boyd,	Holt,	Pope,
Boyden,	Howerton,	Proctor,
Brannock,	Huggins,	Powell,
Brower,	Hyman,	Rand,
Brogden,	Jacobs,	Robards,
Bryan,	Jefferson,	Russell,
J. P. Caldwell,	H. C. Jones,	Siler,
G. W. Caldwell,	J. B. Jones,	Smith,
Cardwell,	C. Jones,	Spruill,
Chambers,	R. Jones,	Sullivan,
Carson,	Keener,	Stallings,
J. M. Covington,	Kerr,	J. W. Taylor,
J. W. Covington,	Killian,	F. Taylor,
Davis,	King,	Tomlinson,
Dickson,	I. W. Lane,	Wadsworth,
Doak,	Lilly,	L. Walker,
Ennett,	Massey,	J. Walker,
Farrow,	J. T. Miller,	J. O'K. Williams,
Foreman,	Monday,	F. Williams,
Franklin,	Morrow,	Winston,

J. R. Gilliam,	Morris,	Wilson,
D. A. Graham,	Munroe,	Withers,
J. Graham,	Murchison,	Young,
Grandy,	McCleese,	Ziglar.

Mr. Withers moved that the further consideration of the report and motion be postponed indefinitely. The question on this motion was decided in the negative—yeas 27, nays 80. The yeas and nays demanded by Mr. Boyd.

Those who voted in the affirmative, were

Messrs.		
Allen,	H. C. Jones,	McCleese,
Bryan,	Keener,	McCollum,
J. M. Covington,	W. B. Lane,	McLanghlin,
Fleming,	Lilly,	McLaurin,
Franklin,	Massey,	Neal,
D. A. Graham,	Mendenhall,	Poindexter,
Gray,	E. P. Miller,	J. W. Taylor,
Guyther,	W. J. T. Miller,	Whitehusrt,
Hoke,	Mills,	Withers.

Those who voted in the negative, were

Messrs.		
Adams,	Graves,	McClenehan,
Bannerman,	Guthrie,	McMillan,
J. Barnes,	Herring,	Patton,
E. Barnes,	Hill,	Patterson,
Barringer,	Holland,	Pemberton,
Beall,	Holt,	Pope,
Biggs,	Howerton,	Powell,
Boyd,	Huggins,	Proctor,
Boyden,	Hyman,	Rand,
Brannock,	Jacobs,	Reid,
Brogden,	Jefferson,	Robards,
Brower,	Joiner,	Russell,
Burns,	J. B. Jones,	Siler,
J. P. Caldwell,	C. Jones,	Smith,
G. W. Caldwell,	R. Jones,	Spruill,
Cardwell,	Kerr,	Sullivan,
Carson,	Killian,	Stallings,
Chambers,	King,	F. Taylor,
Clegg,	I. W. Lane,	Tomlinson,
J. W. Covington,	Mangum,	Wadsworth,

Davis,	J. T. Miller,	L. Walker,
Dickson,	Monday,	J. Walker,
Doak,	Morris,	J. O'K. Williams,
Ennett,	Morrow,	F. Williams,
Farrow,	Munroe,	Winston,
J. R. Gilliam,	Murchison,	Ziglar.
J. Graham,	Grandy,	

The question now recurring on the motion of Mr. Boyden to re-commit the report with instructions, was decided in the affirmative.

Mr. Boyden presented a petition from sundry citizens of the county of Surry, together with a bill to carry their prayer into effect, entitled a bill to extend the jurisdiction of Justices of the Peace.

The said bill was read the first time and passed.

Mr. Spruill moved that the said bill be referred to the Committee on the Judiciary.

The question thereon was decided in the affirmative—yeas 71, nays 25. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Allen,	Guyther,	McLaughlin,
Bannerman,	Herring,	McLaurin,
J. Barnes,	Holt,	McMillan,
Barringer,	Howerton,	Paine,
Biggs,	Huggins,	Patton,
Boyd,	Hyman,	Patterson,
Brannock,	Jacobs,	Pemberton,
Brower,	Joiner,	Powell,
Bryan,	H. C. Jones,	Rand,
Burns,	J. B. Jones,	Reid,
J. P. Caldwell,	C. Jones,	Robards,
G. W. Caldwell,	R. Jones,	Russell,
Carson,	Keener,	Siler,
Chambers,	Kerr,	Spruill,
Clegg,	I. W. Lane,	Stallings,
J. W. Covington,	Mendenhall,	J. W. Taylor,
Dickson,	J. T. Miller,	Wadsworth,
Doak,	W. J. T. Miller,	L. Walker,
Farrow,	Mills,	J. Walker,
Fleming,	Monday,	Whitehurst,

D. A. Graham,	Morris,	F. Williams,
J. Graham,	Morrow,	Winston,
Graves,	Munroe,	Young.
Gray,	McClenehan,	

Those who voted in the negative, were

Messrs.

Adams,	Guthrie,	McCollum,
E. Barnes,	Holland,	Neal,
Beall,	Jefferson,	Poindexter,
Boyden,	Killian,	Sullivan,
Brogden,	King,	F. Taylor,
J. M. Covington,	W. B. Lane,	Tomlinson,
Davis,	Mangum,	J. O'K. Williams,
Ennett,	Massey,	Ziglar.
Franklin,		

Mr. J. B. Jones presented a petition from sundry citizens of the district of Edenton, calling the attention of the General Assembly to the subject of re-opening the Inlet at Nag's Head.

The said petition was read, and, on motion of Mr. J. B. Jones, referred to the committee on Internal Improvements.

The House then adjourned untill 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The bill to prevent the selling unmatured crops, was read the third time and rejected.

Mr. Reid presented a bill to incorporate the Beaver Creek manufacturing company in the county of Cumberland; which was read the first time and passed.

The resolution in favor of John L. Smith, former commissioner of the Nantahala Mountain Road, was read the third time, passed and ordered to be engrossed.

On motion of Mr. Robards,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the militia laws of this State, so as to make it the duty, under a proper penalty, of every citizen liable to do military duty in this State, who shall reside for thirty days within any Cap-

tains district without being enrolled, to report himself to the Captain of said district, to become enrolled therein; and that said committee report by bill or otherwise.

Mr. Mendenhall presented a bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning the Supreme Court; which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the message of His Excellency the Governor, and the documents accompanying on the subject of French Spoliations, to a joint select committee, informing that Messrs. Shepard, Spruill, Hill, Hellen and Cooper form their branch of said committee.

Ordered, That Messrs. J. O'K. Williams, Guyther, Kerr, Smith and Farrow form said committee on behalf of the Commons.

Mr. Wilson presented a petition from certain citizens of Perquimons county, praying the passage of a law, suspending the collection of debts by execution. On motion of Mr. Patton, ordered that said bill be rejected.

Mr. D. A. Graham presented a bill to establish a Female Literary Institution in the county of Robeson; which was read the first time and passed.

The bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy to Turkey Cove Creek in Burke county, was read the third time, and the question shall the said bill pass the third reading? was determined in the affirmative—yeas 59, nays 37. The yeas and nays demanded by Mr. Patterson.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	McLaurin,
Beall,	Hoke,	McMillan,
Boyden,	Holland,	Neal,
Brannock,	Holt,	Paine,
Brower,	Jefferson,	Patton,
Bryan,	H. C. Jones,	Pemberton,
Burns,	Keener,	Poindexter,
J. P. Caldwell,	W. B. Lane,	Proctor
Carson,	Mendenhall,	Reid,
Clegg,	E. P. Miller,	Robards,
J. M. Covington,	W. J. T. Miller,	Siler,

J. W. Covington,	Mills,	Spruill,
Doak,	Moore,	L. Walker,
Farrow,	Morris,	Whitehurst,
Fleming,	Munroe,	F. Williams,
Franklin,	Murchison,	Winston,
D. A. Graham,	McCleese,	Withers,
J. Graham,	McClenehan,	Young,
Graves,	McCollum,	Ziglar.
Gray,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	Morrow,
Allen,	Herring,	Patterson,
E. Barnes,	Huggins,	Powell,
Biggs,	Hyman,	Rand,
Boyd,	Jacobs,	Russell,
Brogden,	Joiner,	Sullivan,
G. W. Caldwell,	J. B. Jones,	Stallings,
Cardwell,	C. Jones,	J. W. Taylor,
Chambers,	Kerr,	Tomlinson,
Davis,	I. W. Lane,	J. Walker,
Dickson,	Mangum,	J. O'K. Williams,
Ernett,	Massey,	Wilson.
Grandy,		

Ordered, That said bill be engrossed.

The bill giving the County Court jurisdiction over the State Road in Cherokee county, was read the third time, passed, and ordered to be engrossed.

The bill to empower the County Court of Burke to regulate the jury for the Superior and County Courts, was read the third time, amended, passed, and ordered to be engrossed.

A message from the Senate, informing that Messrs. Reid and Moyer from their branch of the committee on enrolled bills the present week;

The bill to alter the laws respecting auction sales;

The bill providing for restoring to the rights of citizenship, persons convicted of infamous crimes;

The bill to amend an act, entitled an act to amend the 58th chapter of the Revised Statutes, entitled insolvent debtors;

The bill to enlarge the limits of the town of Wadesborough, in Anson county;

And the bill to amend the act of 1838, laying off a road from Burnsville, in Yancey county, to the Turnpike line, were each read the third time and passed, and ordered to be engrossed.

The resignation of James McDowell, as a justice of the peace for the county of Burke, was presented, read and accepted.

A message from the Senate, informing that they have passed the following engrossed bills. viz:

A bill to amend the 102d chapter of the Revised Statutes, entitled revenue;

A bill to amend the 53d chapter of the Revised Statutes, concerning the Governor;

A bill to incorporate the Fairfield Academy, in the county of Orange;

A bill supplemental to an act passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws;

A bill to incorporate the Nantahala Turnpike Company, in the counties of Macon and Cherokee;

And asking the concurrence of this House.

The said bills were read the first time and passed.

Mr. Boyden, from the Committee on Education, reported a resolution directing a loan of 10,000 dollars to be made to Wake Forest College. The said bill was read and adopted, and ordered to be engrossed.

The bill to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford county, to the Widow Sails's, in Buncombe, was read the third time. Mr. Wilson moved that the said bill be indefinitely postponed. The question thereon was decided in the negative—yeas 36, nays 67.

The yeas and nays demanded by Mr. Wilson.

Those who voted in the affirmative, were

Messrs.

Adams,	Grandy,	Morrow,
Allen,	Guyther,	Patterson,
Bannerman,	Herring,	Pcwell,
J. Barnes,	Howerton,	Russell,
E. Barnes,	Hyman,	Sullivan,
Boyd,	Joiner,	Stallings,
Brogden,	J. B. Jones,	J. W. Taylor,

G. W. Caldwell,	R. Jones,	F. Taylor,
Cardwell,	Kerr,	Tomlinson,
Davis,	I. W. Lane,	J. Walker,
Dickson,	Mangum,	J. O'K. Williams,
Ennett,	Massey,	Wilson.

Those who voted in the negative, were

Messrs.

Barringer,	Guthrie,	McCleese,
Beall,	Hill,	McCollum,
Biggs,	Hoke,	McLaughlin,
Boyden,	Holland,	McLaurin,
Bryan,	Holt,	McMillan,
Brannock,	Huggins,	Neal,
Brower,	Jacobs,	Paine,
Burns,	Jefferson,	Patton,
J. P. Caldwell,	H. C. Jones,	Pemberton,
Carson,	C. Jones,	Poindexter,
Chambers,	Keener,	Proctor,
Clegg,	W. B. Lane,	Reid,
J. M. Covington,	Mendenhall,	Robards,
J. W. Covington,	E. P. Miller,	Siler,
Doak,	J. T. Miller,	Smith,
Farrow,	W. J. T. Miller,	L. Walker,
Fleming,	Mills,	Whitehurst,
Franklin,	Monday,	F. Williams,
J. R. Gilliam,	Moore,	Winston,
D. A. Graham,	Morris,	Withers,
J. Graham,	Munroe,	Young,
Graves,	Murchison,	Ziglar.
Gray,		

The question on the passage of the bill the third reading was decided in the affirmative.

Ordered, That said bill be engrossed.

The bill to lay off and establish a county by the name of Alamance, was read the second time.

Mr. C. Jones presented a counter petition from sundry citizens of Orange against the passage of the said bill.

Mr. Wilson moved that the further consideration of the bill be postponed indefinitely. The question thereon was decided in the negative. The question shall the said bill pass the second reading? was decided in the negative—

yeas 38, nays 63. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	J. Graham,	McLaughlin,
Beall,	Gray,	McLaurin,
Boyden,	Hill,	McMillan,
Brannock,	Holt,	Neal,
Brower,	Jefferson,	Patton,
Bryan,	H. C. Jones,	Pemberton,
Carson,	Keener,	Poindexter,
J. W. Covington,	King,	Robards,
J. M. Covington,	Lilly,	Russell,
Doak,	E. P. Miller,	F. Williams,
Fleming,	Morris,	Winston,
Franklin,	Murchison,	Young.
D. A. Graham,	McCollum,	

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	McCleese,
Allen,	Herring,	Patterson,
Bannerman,	Hoke,	Pope,
J. Barnes,	Holland,	Powell,
E. Barnes,	Huggins,	Proctor,
Biggs,	Jacobs,	Rand,
Boyd,	Joiner,	Reid,
Brogden,	J. B. Jones,	Smith,
Burns,	C. Jones,	Spruill,
G. W. Caldwell,	R. Jones,	Sullivan,
J. P. Caldwell,	Kerr,	Stallings,
Cardwell,	Killian,	J. W. Taylor,
Chambers,	I. W. Lane,	F. Taylor,
Clegg,	Mangum,	Thompson,
Davis,	Massey,	L. Walker,
Dickson,	Mendenhall,	J. Walker,
Ennett,	J. T. Miller,	Whitehurst,
Farrow,	Mills,	J. O'K. Williams,
J. R. Gilliam,	Monday,	Wilson,
Grandy,	Morrow,	Withers,
Graves,	Munroe,	Ziglar.

On motion of Mr. Barringer,

Resolved, That the use of the Commons Hall be allowed, on Wednesday evening next, at 7 o'clock, for a meeting to form and organize the Literary and Historical Society of North Carolina.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DEC. 29, 1840.

The Speaker laid before the House a communication from one George Templeman, of Georgetown, containing proposals for furnishing the State with books.

Ordered, on motion of Mr. Mills, that the communication be referred to the Joint Select Committee on the Library.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition to establish a new county out of portions of the counties of Wilkes, Surry and Iredell, and prayed to be discharged from the further consideration of the subject.

Mr. Winston, from the Committee on the Judiciary, reported a bill to amend the Revised Statutes, entitled an act for preventing frauds and fraudulent conveyances, and to repeal the third section thereof, without amendment, and recommended its passage. The said bill was read the second time and passed.

Mr. Winston, from the same committee, reported the bill declaring and explaining the law on the subject of gifts and settlements, without amendment, and moved that the bill be laid upon the table. This motion prevailed.

Mr. Winston, from the same committee, reported unfavorably on the bill to amend the Revised Statutes, entitled an act concerning slaves and free persons of color.

The said bill was read the second time, and the question shall the said bill pass the second reading? was determined in the negative—yeas 42, nays 61. Yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Adams,	Grandy,	McCleese,
Bannerman,	Guyther,	Neal,
J. Barnes,	Hawkins,	Pope,
E. Barnes,	Herring,	Powell,
Barringer,	Huggins,	Rand,
Beall,	Jacobs,	Robards,
Biogden,	Jefferson,	Russell,
J. P. Caldwell,	Joiner,	Smith,
G. W. Caldwell,	Kerr,	Spruill,
Davis,	I. W. Lane,	Sullivan,
Dickson,	Mangum,	J. W. Taylor,
Ennett,	Massey,	F. Taylor,
Farrow,	E. P. Miller,	Tomlinson,
J. R. Gilliam,	J. T. Miller,	Wilson.

Those who voted in the negative, were

Messrs.

Allen,	Hill,	McLaurin,
Boyd,	Hoke,	McMillan,
Boyden,	Holland,	Paine,
Brannock,	Holt,	Patton,
Brower,	Hyman,	Patterson,
Brummell,	H. C. Jones,	Pemberton,
Bryan,	C. Jones,	Poindexter,
Burns,	R. Jones,	Ragan,
Cardwell,	Keener,	Reid,
Chambers,	Killain,	Stallings,
Clegg,	Lilly,	Wadsworth,
J. M. Covington,	W. J. T. Miller,	J. Walker,
J. W. Covington,	Mills,	L. Walker,
Doak,	Monday,	Whitehurst,
Eaton,	Moore,	J. O'K. Williams,
Franklin,	Morris, ¹	F. Williams,
Gee,	Morrow,	Winston,
J. Graham,	Munroe,	Withers,
Graves,	Murchison,	Young,
Gray,	McLaughlin,	Ziglar.
Guthrie,		

Mr. Moore, from the Joint Select Committee, to whom was referred the bill to incorporate Little River Manu-

facturing Company, reported the bill with sundry amendments. The first question being on the adoption of the amendments proposed by the Committee on Private Bills, to whom the bill had been heretofore committed,

Mr. Winston moved to amend the said amendment, by striking out the whole thereof after the enacting clause, and inserting the following, viz:

"That each stockholder shall be liable to the creditors of the corporation in such sum as is equal to the stock subscribed or owned by him; and each creditor may have an action of debt against all or any of the stockholders."

The question on receiving this amendment to the amendment was decided in the affirmative.

Mr. Cad. Jones moved a further amendment in the following words:

"*And provided further,* That if any stockholder shall assign his stock, or any part of it, after such liability has been incurred, and the assignee shall not be able to comply with the provisions of the above section, the assignor shall be liable for the space of 12 months, in the same manner as if he had not made the assignment, so far as regards the debts or liabilities incurred before such assignment."

The question on this motion was decided in the negative.

Mr. Barringer moved as a substitute to the amendment already adopted, the following:

"*And be it further enacted,* That in case of failure on the part of said corporation, the private or individual property of the stockholders therein shall be subject in an action of debt, before any jurisdiction having cognizance thereof, to the payment of the debts of the corporation, after the property of the company is first exhausted, in proportion to the amount of stock severally owned by them at the time of such failure, and not otherwise."

This amendment was also rejected; and the question being on adopting the amended amendment, as proposed by Mr. Winston, was decided in the affirmative—yeas 60, nays 50. The yeas and nays demanded by Mr. Stallings,

Those who voted in the affirmative, were

Messrs.

Adams,

Grandy,

Morrow,

Baker,	Graves,	Munroe,
Bannerman,	Guthrie,	McCleese,
J. Barnes,	Gayther,	McLaughlin,
E. Barnes,	Herring,	McLaurin,
Biggs,	Hoke,	Powell,
Boyd,	Holland,	Proctor,
Brogden,	Holt,	Ragan,
G. W. Caldwell,	J. B. Jones,	Rand,
Cardwell,	C. Jones,	Robards,
Chambers,	R. Jones,	Russell,
Davis,	Kerr,	Sullivan,
Dickson,	Killian,	Stallings,
Eaton,	King,	J. W. Taylor,
Ennett,	I. W. Lane,	F. Taylor,
Farrow,	Mangum,	Tomlinson,
Fleming,	Massey,	L. Walker,
Gee,	J. T. Miller,	J. Walker,
J. R. Gilliam,	W. J. T. Miller,	Winston,
J. Graham,	Monday,	Ziglar.

Those who voted in the negative, were

MESSRS.

Allen,	Hill,	McMillan,
Barringer,	Huggins,	Neal,
Beall,	Hyman,	Paine,
Boyden,	Jacobs,	Patton,
Brannock,	Jefferson,	Patterson,
Brower,	Joiner,	Pemberton,
Brummell,	H. C. Jones,	Poindexter,
Bryan,	Keener,	Pope,
Burns,	Lilly,	Siler,
J. P. Caldwell,	Mendenhall,	Wadsworth,
Clegg,	E. P. Miller,	Whitehurst,
J. M. Covington,	Mills,	F. Williams,
J. W. Covington,	Moore,	J. O'K. Williams,
Doak,	Morris,	Wilson,
Franklin,	Murchison,	Withers,
D. A. Graham,	McClenehan,	Young,
Gray,	McCollum,	

The House then, on motion, adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The House resumed the consideration of the bill to incorporate Little River Manufacturing Company. The question being on the passage of the bill the second reading as amended, when, on motion of Mr. Reid, the said bill was postponed indefinitely.

On motion of Mr. Boyden,

Resolved, That a message be sent to the Senate, proposing to instruct the joint select committee on so much of the Governor's message as relates to banks and the increase of the banking capital of this State, to report forthwith, and for that purpose, that the said committee have leave to sit during the sitting of the two Houses.

Mr. C. Jones introduced a resolution relating to furniture in the office of the Secretary of State; which was read the first time and passed.

Mr. Spruill presented a bill to prevent free persons of color from carrying fire arms; which was read the first time and passed.

And Mr. Moore presented a petition from sundry citizens of Halifax county on the same subject, which was read.

A message from the Senate, informing that they have passed the following engrossed bills, viz:

A bill making an appropriation for completing the Capitol of this State, and for other purposes;

A bill concerning jurors in Cherokee county;

And a bill to amend an act, passed at the last session of the General Assembly, entitled an act to authorize the making a Turnpike Road in Haywood county;

And asking the concurrence of this House;

The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolution in favor of R. B. Davis and others—and asking the concurrence of this House.

Mr. Spruill moved that the resolution be postponed indefinitely. The question thereon was decided in the negative—yeas 52, nays 58.

The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Baker,	Huggins,	McLaughlin,
Barringer,	Jacobs,	McLaurin,
Boyd,	Jefferson,	McMillan,
Böyden,	Joiner,	Neal,
Brannock,	H. C. Jones,	Pemberton,
Brower,	C. Jones,	Proctor,
J. P. Caldwell,	Lilly,	Rand,
G. W. Caldwell,	Mendenhall,	Reid,
Cardwell,	E. P. Miller,	Smith,
J. W. Covington,	W. J. T. Miller,	Spruill,
Eaton,	Mills,	Tomlinson,
Gee,	Moore,	J. Walker,
D. A. Graham,	Morris,	Whitehurst,
Hawkins,	Morrow,	Winston,
Hill,	Munroe,	Withers,
Holt,	Murchison,	Young,
Howerton,	McCollum,	Ziglar.
Hyman,		

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Paine,
Allen,	Graves,	Patton,
Bannerman,	Gray,	Patterson,
J. Barnes,	Guthrie,	Poindexter,
E. Barnes,	Guyther,	Pope,
Beall,	Herring,	Powell,
Biggs,	Hoke,	Ragan,
Brogden,	Holland,	Robards,
Brummell,	J. B. Jones,	Russell,
Burns,	R. Jones,	Siler,
J. M. Covington,	Keener,	Sullivan,
Chambers,	Kerr,	Stallings,
Clegg,	Killian,	J. W. Taylor,
Davis,	I. W. Lane,	F. Taylor,
Dickson,	Mangum,	Wadsworth.
Doak,	Massey,	L. Walker,
Ennett,	J. T. Miller,	J. O'K. Williams,
Farrow,	Monday,	F. Williams,
Franklin,	McCleese,	Wilson.
J. R. Gilliam,	McClencham,	

The question recurring on the adoption of the said resolution, was decided in the affirmative.

Ordered, That said resolution be enrolled,

Mr. Mills, from the committee on private bills, presented a bill to incorporate the town of Hendersonville in the county of Granville. The said bill was read the first, second and third times, passed, and ordered to be engrossed.

The resignation of John R. Brown, as a justice of the peace of the county of Randolph, heretofore laid upon table, was read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DEC. 30, 1840.

On motion, leave of absence from the service of the House, from and after this day, for the residue of the session, was granted to Mr. Hoke.

Mr. Barringer, from the committee on Internal Improvements, reported a bill to amend the 22d section of the revised statutes chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation; which was read the first time and passed.

Mr. J. P. Caldwell presented a memorial from the agricultural association of Iredell county, praying that an order be passed for a Mineralogical and Geological survey of the State.

Ordered, That the memorial be referred to the committee on Agriculture.

The engrossed bill to purchase a library was, on motion of Mr. C. Jones, referred to the joint select committee on the Library.

The resolutions respecting the re-opening of Roanoke Inlet were, on motion of Mr. Paine, made the order of the day for to-morrow.

Mr. F. Taylor presented the following resolution :

Resolved, That the committee on Finance be instructed to report a bill to this House to amend the revenue law of this State so as to reduce the tax on real estate, from six to four cents on the hundred dollars' worth of land, and to reduce the tax on the poll, from 20 to 15 cents.

Ordered, On motion of Mr. Eaton, that said resolution be laid upon the table.

Mr. Graves, from the committee on Finance, who were instructed to inquire whether certain warrants paid by the Treasurer, were drawn and paid by authority of law, made a report which, on motion of Mr. Biggs, was ordered to be sent to the Senate with a proposition that it be printed.

Mr. Mendenhall presented a resolution in favor of the door-keepers; which was read the first time and passed.

The resignation of A. Polk, as a justice of the peace of the county of Anson, was presented, read and accepted.

On motion of Mr. Cardwell, the House now resolved itself into a committee of the whole, Mr. Mills in the chair, and took up for consideration, the bill for the support and establishment of Common Schools, and after some time spent therein, the Speaker resumed the chair, and the chairman reported progress, and asked leave to sit again. Leave was granted.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Hoke introduced sundry resolutions relating to Common Schools.

The resolutions were read, and on motion of Mr. Boyden, referred to the committee of the whole, to whom are referred certain bills on the same subject.

Mr. Reid presented a bill to extend the time of holding the next term of the Superior Court of Cumberland county; which was read the first time and passed.

The bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie rivers, and their waters, was read the second time, amended, on motion of Mr. Smith, and the question shall the bill pass the second reading as amended? was decided in the affirmative.

Mr. Poindexter, from the Committee on Claims, to whom was referred so much of the Report of the Board of Internal Improvement as relates to the payment of Engineers for surveys of the Fayetteville and Western Rail Road, reported that a majority of said committee instructed him to ask that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Poindexter presented a resolution to pay for surveys for Fayetteville and Western Rail Road Company; which was read the first time and passed.

Mr. Morris presented a bill to authorise the making a Turnpike Road in the county of Henderson; which was read the first time and passed.

Mr. Bryan presented a bill to appropriate \$400 to the improvement of Lewis Fork Road; which was read the first time and passed.

Mr. Siler, from the Committee on Cherokee Lands, who were instructed to inquire into the expediency of making an appropriation for a road in Macon and Cherokee, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Siler presented a petition from the Tennessee River Turnpike Company, praying an alteration of the laws in certain particulars therein specified. Referred, on motion of Mr. Siler, to the Committee on the Judiciary.

Mr. Siler, from the Committee on Cherokee Lands, reported a resolution in favor of James Erwin; which was read, adopted, and ordered to be engrossed.

Mr. Poindexter, from the Committee on Claims, reported the resolution in favor of W. G. Lamb, without amendment; when the said resolution was read the second and third times, passed and ordered to be engrossed.

Mr. Mills presented a petition from sundry citizens of Rutherford county, praying to be exempted from working on certain roads. The petition was, on motion of Mr. Jefferson, laid upon the table.

Mr. Siler, from the Committee on Cherokee Lands, asked that the committee be discharged from the further consideration of that part of the Governor's communication relating to the States' employing counsel to defend certain suits brought against purchasers of Cherokee Lands, for

reasons stated in the report. The report was concurred in and the committee discharged.

The resignation of Edward Nelson, of Craven county, and of Stephen Woodard, of Wayne county, Justices of the Peace, were presented, read and accepted.

The House then adjourned until to-morrow morning, ten o'clock.

THURSDAY, DEC. 31, 1840.

The resolution in favor of John Davis, sheriff of Lenoir county, was read and adopted, and ordered to be engrossed.

Mr. J. O'K. Williams, from the Joint Select Committee raised upon the subject, reported resolutions in favor of claimants for French spoliations. Said resolutions were read and adopted, and ordered to be engrossed.

Mr. Graves, from the Committee on Propositions and Grievances, to whom was referred the resolution in favor of James C. Turrentine, sheriff of Orange county, reported the same without amendment; when the said resolution was read the second and third time, passed, and ordered to be engrossed.

Received from his Excellency Governor Dudley, by his Private Secretary, Mr. Battle, the following communication:

EXECUTIVE OFFICE, }
Dec. 30, 1840. }

*To the General Assembly
of the State of North Carolina:*

GENTLEMEN:

I have the honor to transmit the enclosed communication from the Hon. Edward Stanly, tendering to the Legislatuse the present of certain valuable books therein mentioned.

I am, most respectfully, your obedient servant,

EDWARD B. DUDLEY.

Ordered, on motion of Mr. Russell, that the message

and letter of Mr. Stanly be referred to the Joint Select Committee on the Library.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Buncombe and Yancy for the erection of a new county, and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Received from the Senate a message, informing that they had rejected the engrossed resolution in favor of Peter Fausts' representative.

A message from the Senate, informing that they had passed the engrossed bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, informing that they do not concur in the amendment made by the House of Commons to the engrossed bill entitled a bill directing the conveyance of the commons adjoining the town of Murphy to the Chairman of the County Court of Cherokee.

Ordered, on motion of Mr. Moore, that the House insist on their said amendments, and propose that a Committee of Conference of three on the part of each House be raised, to whom the said bill shall be committed.

A message from the Senate, informing that they had passed the following engrossed bills, viz:

A bill in favor of the Princess Anne and Kempsville Canal Companies;

A bill supplementary to an act passed at the present session of the General Assembly, authorizing the Governor to appoint an agent to collect the Cherokee Bonds;

And a resolution concerning the Statue of Washington: And asking the concurrence of this House. The said bills and resolution were read the first time and passed.

The bill for the relief of the Raleigh and Gaston Rail Road Company was read and amended, on motion of Mr. H. C. Jones, and made the order of the day, on Mr. Neal's motion, for Saturday next.

X Mr. Hill presented the following resolutions:

WHEREAS, we believe that each of the United States being a party to the National compact, possesses an interest in

the public domain proportioned to the Federal population of each, or in the terms of the compact, according to the usual respective proportions of the general charge and expenditure; and we see, with regret, that by the introduction of bills called Pre-emption bills, and other measures, into the Congress of the United States, manifest injustice is intended to the older members of the Confederacy:

Be it therefore resolved, That this General Assembly do condemn, in the most decided manner, any act by the Congress of the United States, whatever title it may bear, which contemplates a disposition of the proceeds of the sales of the Public Lands otherwise than as set forth in the deeds of cession from the several States.

Resolved further, That our Senators and Representatives in the Congress of the United States, be requested to use their best exertions to procure the passage of a bill, directing the division of the proceeds of the sales of the public domain among the States in an equitable ratio, to be used by the States for Internal Improvement, Education, or any other purpose, as may be deemed expedient by the several States receiving said distribution.

Resolved, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, with the request that they lay them before their respective bodies.

And Mr. Boyden offered the following additional resolution, viz:

Resolved further, That Congress ought at once to pass a law, ceding to the old States for the promotion of education, such portions of the public domain as shall correspond, in a just degree, with that already ceded to the new States for the same object.

Said resolutions were read.

Mr. Graves moved that they be laid on the table. The question thereon was decided in the negative.

On motion of Mr. Boyden,

Ordered, That they be printed, and made the order of the day for to-morrow.

The resolutions respecting the re-opening of Roanoke Inlet, were taken up and considered.

Mr. Stallings moved to insert after the word "*requested*," the words "*and instructed*;" which was rejected.

Mr. G. W. Caldwell moved to strike out the word "request" where it occurs in the resolutions, and to insert the word "instruct;" and Mr. Robards called for a division. The question then being on striking out the word "request," was decided in the negative—yeas 43, nays 68.

The yeas and nays demanded by Mr. G. W. Caldwell:

Those who voted in the affirmative, were

Messrs.

Baker,	Herring,	Munroe,
Bannerman,	Holland,	Patterson,
J. Barnes,	Howerton,	Powell,
E. Barnes,	J. B. Jones,	Ragan,
Biggs,	C. Jones,	Rand,
Boyd,	R. Jones,	Reid,
Brogden,	Kerr,	Sullivan,
G. W. Caldwell,	Killiar,	Stallings,
Cardwell,	I. W. Lane,	F. Taylor,
Chambers,	Mangum,	Tomlinson,
Davis,	Massey,	Wadsworth,
Dickson,	J. T. Miller,	J. Walker,
Ennett,	Monday,	L. Walker,
Farrow,	Morrow,	Ziglar.
Hawkins,		

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	McLaurin,
Allen,	Hill,	McMillan,
Barringer,	Holt,	Neal,
Beall,	Huggins,	Paine,
Boyden,	Hylan,	Patton,
Brannock,	Jacobs,	Pemberton,
Brower,	Jefferson,	Poindexter,
Brummell,	Joiner,	Pope,
Bryan,	H. C. Jones,	Proctor,
Burns,	Keener,	Robards,
J. P. Caldwell,	King,	Russell,
Carson,	W. B. Lane,	Siler,
Clegg,	Lilly,	Smith,
J. M. Covington,	Mendenhall,	Spruill,
J. W. Covington,	E. P. Miller,	J. W. Taylor,

Doak,	W. J. T. Miller,	Whitehurst,
Franklin,	Mills,	J. O'K. Williams,
Gee,	Moore,	F. Williams,
J. R. Gilliam,	Morris,	Winston,
D. A. Graham,	McCleese,	Wilson,
J. Graham,	McClenehan,	Withers,
Grandy,	McCollum,	Young.
Gray,	McLaughlin,	

The question recurring on the adoption of said resolutions, was decided in the affirmative—yeas 77, nays 32.
The yeas and nays demanded by Mr. Baker.

Those who voted in the affirmative, were

Messrs.

Adams,	Guyther,	McLaurin,
Allen,	Hill,	McMillan,
Barringer,	Huggins,	Neal,
Beall,	Hyman,	Paine,
Biggs,	Jacobs,	Patton,
Boyden,	Jefferson,	Pemberton,
Brannock,	Joiner,	Poindexter,
Brower,	H. C. Jones,	Pope,
Brumnell,	J. B. Jones,	Proctor,
Bryan,	C. Jones,	Robards,
Burns,	Keener,	Russell,
J. P. Caldwell,	King,	Siler,
Carson,	W. B. Lane,	Smith,
Clegg,	Lilly,	Spruill,
J. W. Covington,	Mendenhall,	Stallings,
J. M. Covington,	E. P. Miller,	J. W. Taylor,
Doak,	W. J. T. Miller,	Wadsworth,
Farrow,	J. T. Miller,	Whitehurst,
Fleming,	Mills,	J. O'K. Williams,
Franklin,	Monday,	F. Williams,
Gee,	Moore,	Winston,
J. R. Gilliam,	Morris,	Wilson,
D. A. Graham,	McCleese,	Withers,
J. Graham,	McClenehan,	Young,
Grandy,	McCollum,	Ziglar.
Gray,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Baker,	Ennett,	Munroe,
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Bannerman,	Hawkins,	Patterson,
J. Barnes,	Herring,	Powell,
E. Barnes,	Holland,	Ragan,
Boyd,	Holt,	Reid,
Brogden,	Howerton,	Sullivan,
G. W. Caldwell,	R. Jones,	F. Taylor,
Cardwell,	I. W. Lane,	Tomlinson,
Chambers,	Mangum,	L. Walker,
Davis,	Massey,	J. Walker.
Dickson,	Morrow,	

Ordered, That said resolutions be engrossed.

The bill to extend the jurisdiction of Justices of the Peace, was read the second time, and on motion of Mr Wilson, postponed indefinitely—yeas 93, nays 16. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Allen,	Gray,	Munroe,
Baker,	Guyther,	McClenehan,
Bannerman,	Guthrie,	McCollum,
J. Barnes,	Hawkins,	McLaughlin,
E. Barnes,	Herring,	McLaurin,
Barringer,	Hill,	McMillan,
Beall,	Holland,	Neal,
Biggs,	Holt,	Paine,
Boyd,	Howerton,	Patton,
Brannock,	Huggins,	Patterson,
Brogden,	Hyman,	Pemberton,
Brower,	Jacobs,	Pope,
Brummell,	Joiner,	Powell,
Bryan,	J. B. Jones,	Proctor,
Burns,	C. Jones,	Ragan,
G. W. Caldwell,	R. Jones,	Rand,
Cardwell,	Kerr,	Siler,
Carson,	W. B. Lane,	Smith,
Clegg,	I. W. Lane,	Spruill,
J. W. Covington,	Lilly	Sullivan,
Davis,	Mangum,	Stallings,
Dickson,	Mendenhall,	J. W. Taylor,
Doak,	E. P. Miller,	Tomlinson,
Eaton,	J. T. Miller,	Wadsworth,
Ennett,	W. J. T. Miller,	L. Walker,

Farrow,	Mills,	J. Walker,
Gee,	Monday,	Whitehurst,
D. A. Graham,	Moore,	Winston,
J. Graham,	Morris,	Wilson,
Grandy,	Morrow,	Withers,
Graves,	McCleese,	Young.

Those who voted in the negative, were

Messrs.

Boyden,	Keener,	Russell,
J. P. Caldwell,	Killian,	F. Williams,
J. M. Covington,	King,	J. O'K. Williams,
Franklin,	Poindexter,	F. Taylor,
J. R. Gilliam,	Robards,	Ziglar.
Jefferson,		

Mr. Winston, from the Committee on the Judiciary, to whom was referred a resolution directing them to inquire into the expediency of amending the Book Debt Law, reported that it is not expedient to alter it as proposed. The report was concurred in.

A message from the Senate, proposing to raise a Joint Select Committee of four on the part of each House, to make the necessary arrangements for the qualification of the Governor elect, on to-morrow.

The proposition was agreed to; and Messrs. Mendenhall, Biggs, J. B. Jones and Russell appointed the committee on the part of the Commons.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill in favor of poor debtors. The said bill was thereupon put on its passage.

On motion of Messrs. Boyden, Spruill and Biggs, the bill was amended.

Pending the consideration of the bill, Mr. W. J. T. Miller moved that the House adjourn until to-morrow morning, at ten o'clock. The question on this motion was decided in the negative—yeas 8, nays 99. The yeas and nays demanded by Mr. Miller.

Those who voted in the affirmative, were

Messrs.

Burns,	Gee,	W. J. T. Miller,
Farrow,	J. R. Gilliam,	Tomlinson.
Fleming,	E. P. Miller,	

Those who voted in the negative, were

Messrs.

Adams,	Gray,	McClenahan,
Allen,	Guyther,	McCollum,
Baker,	Hawkins,	McLaughlin,
Bannerman,	Herring,	McLaurin,
E. Barnes,	Hill,	McMillan,
J. Barnes,	Holland,	Paine,
Barringer,	Holt,	Patton,
Beall,	Howertop,	Pemberton,
Biggs,	Huggins,	Poindexter,
Boyd,	Hyman,	Powell,
Boyden,	Jacobs,	Proctor,
Brannock,	Jefferson,	Ragan,
Brower,	Joiner,	Rand,
Brogden,	H. C. Jones,	Reid,
Brummell,	R. Jones,	Robards,
Bryan,	J. B. Jones,	Russell,
J. P. Caldwell,	C. Jones,	Smith,
G. W. Caldwell,	Keener,	Spruill,
Cardwell,	Kerr,	Sullivan,
Carson,	King,	Stallings,
Clegg,	Killian,	J. W. Taylor,
J. M. Covington,	W. B. Lane,	F. Taylor,
J. W. Covington,	Lilly,	Wadsworth,
Davis,	Mangum,	L. Walker,
Dickson,	Mendenhall,	J. Walker,
Doak,	J. T. Miller,	Whitehurst,
Eaton,	Mills,	J. O'K. Williams,
Eunett,	Monday,	F. Williams,
Franklin,	Moore,	Wilson,
D. A. Graham,	Morris,	Withers,
J. Graham,	Morrow,	Young,
Grandy,	Muroe,	Ziglar.
Graves,	McCleese,	

Mr. McCleese moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 8, nays 103. The yeas and nays demanded by Mr. Withers.

Those who voted in the affirmative, were

Messrs.

Biggs,	Fleming,	McCollum,
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Eaton,	J. R. Gilliam,	Winston.
Farrow,	McCleese,	

Those who voted in negative, were

Messrs.

Adams,	Guyther,	McLaughlin,
Allen,	Hawkins,	McLaurin,
Baker,	Herring,	McMillan,
Bannerman,	Hill,	Neal,
J. Barnes,	Holland,	Paine,
E. Barnes,	Holt,	Patton,
Barringer,	Howerton,	Patterson,
Beall,	Huggins,	Pemberton,
Boyd,	Hyman,	Poindexter,
Boyden,	Jacobs,	Powell,
Braunock,	Jefferson,	Proctor,
Brogden,	Joiner,	Ragan,
Brower,	H. C. Jones,	Rand,
Brummell,	J. B. Jones,	Reid,
Bryan,	C. Jones,	Robards,
Burns,	R. Jones,	Russell,
J. P. Caldwell,	Keener,	Siler,
G. W. Caldwell,	Kerr,	Smith,
Cardwell,	Killian,	Spruill,
Carson,	King,	Sullivan,
Clegg,	I. W. Lane,	Stallings,
J. M. Covington,	Lilly,	J. W. Taylor,
J. W. Covington,	Mangum,	F. Taylor,
Davis,	Mendenhall,	Tomlinson,
Dickson,	E. P. Miller,	Wadsworth,
Doak,	J. T. Miller,	L. Walker,
Ennett,	W. J. T. Miller,	J. Walker,
Franklin,	Mills,	Whitehurst,
Gee,	Monday,	J. O'K. Williams,
D. A. Graham,	Moore,	F. Williams,
J. Graham,	Morris,	Wilson,
Grandy,	Morrow,	Withers,
Gray,	Munroe,	Young,
Graves,	McClenehan,	Ziglar,
Guthrie,		

The question recurring on the passage of the bill the second reading,

Mr. E. P. Miller moved that the House adjourn until

to-morrow morning 10 o'clock. The question thereon was decided in the negative—yeas 9, nays 101. The yeas and nays demanded by Mr Miller.

Those who voted in the affirmative, were

Messrs.

Fleming,	Kerr,	W. J. T. Miller,
J. R. Gilliam,	Mendenhall,	Rand,
D. A. Graham,	E. P. Miller,	Whitehurst.

Those who voted in the negative, were

Messrs.

Adams,	Graves,	McCollum,
Allen,	Gray,	McLaughlin,
Baker,	Guthrie,	McLaurin,
Bannerman,	Guyther,	McMillan,
E. Barnes,	Hawkins,	Neal,
J. Barnes,	Herring,	Paine,
Barringer,	Hill,	Patton,
Beall,	Holland,	Patterson,
Biggs,	Holt,	Pemberton,
Boyd,	Howerton,	Poindexter,
Boyden,	Huggins,	Pope,
Brannock,	Hyman,	Powell,
Brower,	Jacobs,	Proctor,
Brogden,	Jefferson,	Ragan,
Brummell,	Joiner,	Robards,
Bryan,	H. C. Jones,	Russell,
J. P. Caldwell,	J. B. Jones,	Siler,
G. W. Caldwell,	C. Jones,	Smith,
Cardwell,	R. Jones,	Spruill,
Carson,	Keener,	Sullivan,
Chambers,	Killian,	Stallings,
Clegg,	King,	J. W. Taylor,
J. W. Covington,	W. B. Lane,	F. Taylor,
J. M. Covington,	I. W. Lane,	Tomlinson,
Davis,	Lilly,	Wadsworth,
Dickson,	Mangum,	J. Walker,
Doak,	J. T. Miller,	L. Walker,
Eaton,	Mills,	J. O'K. Williams,
Ennett,	Morris,	F. Williams,
Farrow,	Moore,	Wilson,
Franklin,	Monday,	Withers,

Gee,	Morrow,	Young,
J. Graham,	Munroe,	Ziglar.
Grandy,	McClenehan,	

The question shall the said bill pass the second reading? was decided in the affirmative—yeas 104, nays 5.—
The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Adams,	Guyther,	McLaughlin,
Allen,	Hawkins,	McLaurin,
Bannerman,	Herring,	McMillan,
J. Barnes,	Hill,	Neal,
E. Barnes,	Holland,	Paine,
Barringer,	Holt,	Patton,
Beall,	Howerton,	Patterson,
Biggs,	Huggins,	Pemberton,
Boyd,	Hyman,	Poindexter,
Boyden,	Jacobs,	Powell,
Brannock,	Jefferson,	Proctor,
Biogden,	Joiner,	Ragan,
Brower,	H. C. Jones,	Rand,
Brummell,	J. B. Jones,	Reid,
Bryan,	C. Jones,	Robards,
J. P. Caldwell,	R. Jones,	Russell,
G. W. Caldwell,	Keener,	Siler,
Cardwell,	Kerr,	Smith,
Carson,	Killian,	Spruill,
Chambers,	King,	Sullivan,
Clegg,	W. B. Lane,	Stallings,
J. M. Covington,	I. W. Lane,	J. W. Taylor,
J. W. Covington,	Mangum,	F. Taylor,
Davis,	Mendenhall,	Tomlinson,
Dickson,	E. P. Miller,	Wadsworth,
Doak,	J. T. Miller,	J. Walker,
Ennett,	W. J. T. Miller,	L. Walker,
Franklin,	Mills,	Whitehurst,
Gee,	Monday,	J. O'K. Williams,
J. R. Gilliam,	Moore,	F. Williams,
D. A. Graham,	Morris,	Wilson,
J. Graham,	Morrow,	Withers,
Grandy,	Munroe,	Young,

Graves,
Guthrie,

McClenehan,
McCollum,

Ziglar.

Those who voted in the negative, were

Messrs.

Baker,
Eaton,

Fleming,
Gray,

Lilly.

On motion, the House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JAN. 1, 1841.

Mr. Robards, from the Joint Select Committee, to whom was referred the petition of sundry citizens of the town of Henderson, reported a bill to establish the Tobacco Planters' Bank of Henderson. The said bill was read the first time, and Mr. G. W. Caldwell moved that the bill be rejected. The question on this motion was decided in the negative—yeas 44, nays 59. The yeas and nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Baker,
Bannerman,
J. Barnes,
E. Barnes,
Biggs,
Boyd,
G. W. Caldwell,
Cardwell,
Davis,
Dickson,
Ennett,
Farrow,
Graves,
Hawkins,
Herring,

Holland,
Howerton,
Huggins,
Hyman,
Joiner,
C. Jones,
Keener,
Killian,
I. W. Lane,
J. T. Miller,
Morrow,
Munroe,
McCleese,
McLaughlin,
Patterson,

Powell,
Ragan,
Reid,
Siler,
Smith,
Sullivan,
Stallings,
J. W. Taylor,
F. Taylor,
Tomlinson,
Wadsworth,
L. Walker,
J. Walker,
Kerr.

Those who voted in the negative, were

MESSRS.

Adams,	Grandy,	McMillan,
Allen,	Gray,	Neal,
Barringer,	Guyther,	Patton,
Beall,	Hill,	Pemberton,
Boyden,	Holt,	Poindexter,
Brannock,	Jacobs,	Pope,
Brogden,	Jefferson,	Proctor,
Brower,	H. C. Jones,	Rand,
Brummell,	R. Jones,	Robards,
Burns,	King,	Russell,
J. P. Caldwell,	Mangum,	Spruill,
Clegg,	Mendenhall,	Whitehurst,
J. M. Covington,	E. P. Miller,	F. Williams,
J. W. Covington,	W. J. T. Miller,	J. O'K. Williams,
Doak,	Mills,	Winston,
Eaton,	Monday,	Wilson,
Franklin,	Moore,	Withers,
Gee,	Morris,	Young,
D. A. Graham,	McClenehan,	Ziglar.
J. Graham,	McLaurin,	

The question shall the said bill pass the first reading? was decided in the affirmative.

Mr. Guthrie presented a bill to provide a copy of the "North Carolina Justice" for each and every magistrate in the State;

And Mr. Rand presented a bill founded on a petition of certain citizens of the City of Raleigh, entitled a bill to extend and enlarge the boundaries of the City of Raleigh. The said bills were read the first time and passed.

A message from the Senate, informing that Messrs. Gaither, Wilson, Waddell and Ward form their branch of the committee to make arrangements for the inauguration of the Governor elect.

A message from the Senate, concurring in the proposition of the House to print the late report from the Committee on Finance.

Mr. Boyden, from the Committee on the Judiciary, reported without amendment the bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians and the management of orphans and their es-

tates; when the said bill was read the second time, amended and passed.

Mr. Poindexter, from the Committee on Claims, reported a resolution in favor of John S. Russwurm; which was read and adopted and ordered to be engrossed.

On motion, leave of absence from the service of the House, from and after Monday next, for the residue of the session, was granted to Mr. E. P. Miller.

Mr. L. Walker presented a memorial from certain cavalry officers belonging to the 16th brigade, in relation to the appointment of Colonel Commandant of Cavalry attached to said brigade.

Ordered, on motion of Mr. L. Walker, that said memorial be referred to the Committee on Military Affairs.

Mr. Burns presented a bill to alter the mode of appointing constables in the State of North Carolina. The said bill was read the first time, and on motion of Mr. J. Barnes, rejected.

Mr. Barringer presented a petition from the officers of the 62nd Regiment and 11th Brigade of No. Ca. militia, praying the passage of a law increasing company musters to four in a year, and granting certain privileges and immunities to military officers, after a certain term of service. The petition was read, and on motion of Mr. Barringer, referred to the Committee on Military Affairs.

Mr. King presented the petition of Ezekiel Brewer, of Orange County, praying a grant of bounty land for his services in the Revolution.

Ordered, on motion of Mr. King, that it be referred to the Committee on Claims.

Mr. Winston, from the Committee on the Judiciary, to whom the subject was referred, reported a bill relating to vagrants; which said bill was read the first and second times and passed.

Received from the Senate a message, transmitting the report of the Joint Select Committee, making arrangements for the qualification of Governor elect; and the appointed hour having arrived, John M. Morehead, accompanied by the late Gov. Edward B. Dudley and the Judges of the Supreme Court of the State, and attended by the Joint Select Committee heretofore appointed, waited upon the General Assembly, both branches being convened in the Commons Hall, and took and subscribed the oaths prescribed by law for the qualifications of the Governor

of the State—the oaths having been administered by Hon: Chief Justice Ruffin.

A message from the Senate, proposing that the resolution adopted by the two Houses to adjourn *sine die* on Monday next, be rescinded. The question on concurring in the proposition of the Senate, was decided in the affirmative—yeas 73, nays 36. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Allen,	Guthrie,	McLaurin,
Barringer,	Guyther,	McMillan,
Beall,	Hill,	Neal,
Boyden,	Holt,	Patton,
Brannock,	Howerton,	Patterson,
Brower,	Huggins,	Pemberton,
Brummell,	Hyman,	Poindexter,
Bryan,	Jacobs,	Pope,
Burns,	H. C. Jones,	Proctor,
J. P. Caldwell,	C. Jones,	Rand,
Carson,	Keener,	Reid,
Clegg,	Killian,	Robards,
J. M. Covington,	King,	Russell,
J. W. Covington,	W. B. Lane,	Siler,
Doak,	Lilly,	Smith,
Eaton,	Mangum,	Spruill,
Fleming,	Mendenhall,	Wadsworth,
Franklin,	J. T. Miller,	L. Walker,
Gee,	Mills,	Whitehurst,
J. R. Gilliam,	Moore,	F. Williams,
D. A. Graham,	Morris,	J. O'K. Williams,
J. Graham,	Munroe,	Wilson,
Grandy,	McCleese,	Withers,
Graves,	McClenehan,	Young.
Gray,		

Those who voted in the negative, were

Messrs.

Adams,	Ennett,	Monday,
Baker,	Farrow,	Morrow,
Bannerman,	Hawkins,	McCollum,
J. Barnes,	Herring,	McLaughlin,

E. Barnes,	Holland,	Pcwell,
Biggs,	Joiner,	Ragan,
Boyd,	J. B. Jones,	Sullivan,
Brogden,	R. Jones,	J. W. Taylor,
G. W. Caldwell,	Kerr,	F. Taylor,
Cardwell,	I. W. Lane,	Tomlinson,
Davis,	E. P. Miller,	J. Walker,
Dickson,	W. J. T. Miller,	Ziglar.

Mr. W. J. T. Miller offered the following Resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn *sine die* on Thursday, the 7th instant.

Ordered, on motion of Mr. Brummell, that the Resolution lie on the table.

Mr. McCollum presented the following Resolution:

Resolved, That no new bills be received in this House from and after this day.

And Mr. Neal presented the following Resolution:

Resolved, That so much of the 50th Rule of Order as provides that no bill shall be read more than once on the same day, be rescinded.

These resolutions lie on the table for one day.

The House now resolved itself into a Committee of the Whole, Mr. Mills in the Chair, and resumed the consideration of the several bills referred to them relating to the establishment and support of Common Schools; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the Committee had made progress in the consideration of the subject; but had not completed the same; and asked leave to sit again. Leave was granted.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. G. W. Caldwell, from the Committee on Privileges and Elections, who were instructed to inquire into the expediency of increasing the penalty upon persons voting il-

legally, reported that it is not expedient to increase the penalty as proposed. The report was concurred in.

Mr. Holt presented a petition from Wm. Burson of Orange county, praying the General Assembly to pass a law, exonerating him from a fine imposed upon him by a militia court martial. The petition was, on motion of Mr. Holt, referred to the committee on military affairs.

The engrossed bill, to amend an act in the revised statutes, entitled an act to provide for the collection and management of a revenue for this State, was read, and, on motion of Mr. Boyden, laid on the table.

The engrossed bill concerning the collection of fines and costs, from free negroes and free persons of color; and the engrossed bill to amend the 53d chapter of the revised statutes concerning the Governor, were each, read the second time and passed.

The bill to make real estate assets in certain cases, was read the second time.

Mr. Biggs moved to amend the bill by adding the following proviso:

Provided however, That in cases where there may be a deficiency of assets to pay all the debts, the proceeds arising from the sale of real estate under this act, shall be paid to the creditors *pro rata*; and the Superior Court, on application of the administrator, may make such rules as said Court may direct, requiring creditors who wish to claim a portion of said assets, to present their claims within a certain time, not exceeding the term of two years from the qualification of the administrator; and may therefore make a decree for the distribution and payment of said assets, which shall be a protection to the administrator upon a compliance therewith.

Pending this question on this amendment, Mr. Sullivan moved that said bill be indefinitely postponed. The question on this motion was decided in the negative—yeas 53, nays 57. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Baker,
Bannerman,
E. Barnes,

Herring,
Holland,
Holt,

McCleese,
McCollum,
McLaurin,

Boyd,	Howerton,	Paine,
Burns,	Hyman,	Powell,
J. P. Caldwell,	J. B. Jones,	Ragan,
G. W. Caldwell,	C. Jones,	Rand,
Cardwell,	R. Jones,	Robards,
Clegg,	Kerr,	Sullivan,
Davis,	Killian,	Stallings,
Dickson,	King,	J. W. Taylor,
Doak,	W. B. Lane,	Thompson,
Eaton,	I. W. Lane,	Tomlinson,
Ennett,	Mendenhall,	Wadsworth,
Farrow,	E. P. Miller,	J. Walker,
Fleming,	Monday,	Withers,
Grandy,	Morrow,	Young.
Hawkins,	Munroe,	

Those who voted in the negative, were

Messrs.

Adams,	Graves,	Neal,
Allen,	Gray,	Patton,
J. Barnes,	Guyther,	Patterson,
Barringer,	Hill,	Pemberton,
Beall,	Huggins,	Poindexter,
Biggs,	Jacobs,	Pope,
Boyden,	Jefferson,	Proctor,
Brannock,	Joiner,	Reid,
Brogden,	H. C. Jones,	Russell,
Brewer,	Keener,	Siler,
Brummell,	Lilly,	Smith,
Bryan,	Maugum,	Spruill,
Carson,	J. T. Miller,	F. Taylor,
J. M. Covington,	W. J. T. Miller,	L. Walker,
Franklin,	Mills,	J. O'K. Williams,
Gee,	Moore,	F. Williams,
J. R. Gilliam,	Morris,	Winston,
D. A. Graham,	McLaughlin,	Wilson,
J. Graham,	McMillan,	Ziglar.

The question now recurring on the adoption of the amendment proposed by Mr. Biggs, was decided in the negative.

Mr. Barringer offered the following amendment:

Provided further, When in the opinion of the court it may be necessary to have an issue, to try whether the condition of the estate requires the sale of any portion of the real estate, for the payment of the debts of the deceased debtor, such issue may be submitted to a jury, under the direction of the court.

The question on receiving this amendment was decided in the negative.

The question again recurring shall this bill pass its second reading? was decided in the negative—yeas 53, nays 56. The yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	Pemberton,
Allen,	Guyther,	Poindexter,
J. Barnes,	Huggins,	Pope,
Barringer,	Jacobs,	Proctor,
Beall,	Jefferson,	Russell,
Boyden,	Joiner,	Siler,
Brower,	H. C. Jones,	Smith,
Brummell,	Keener,	Spruill,
Bryan,	Mangum,	J. W. Taylor,
Burns,	W. J. T. Miller,	F. Taylor,
Carson,	Mills,	L. Walker,
J. M. Covington,	Moore,	J. O'K. Williams,
Fleming,	Morris,	F. Williams,
Franklin,	McLaughlin,	Winston,
Gee,	McMillan,	Wilson,
J. R. Gilliam,	Neal,	Withers,
J. Graham,	Patton,	Ziglar.
Graves,	Patterson,	

Those who voted in the negative, were

Messrs:

Baker,	Hawkins,	Morrow,
Bannerman,	Herring,	Munroe,
E. Barnes,	Hill,	McCleese,
Biggs,	Holland,	McCollum,
Boyd,	Holt,	McLaurin,
Brannock,	Howerton,	Paine,
Brogden,	Hyman,	Powell,

J. P. Caldwell,	J. B. Jones,	Ragan,
Cardwell,	R. Jones,	Rand,
Clegg,	C. Jones,	Reid,
Davis,	Kerr,	Robards,
Dickson,	Killian,	Sullivan,
Doak,	King,	Stallings,
Ennett,	W. B. Lane,	Thompson,
Eaton,	I. W. Lane,	Tomlinson,
Farrow,	Mendenhall,	Wadsworth,
D. A. Graham,	E. P. Miller,	J. Walker,
Grandy,	J. T. Miller,	Young.
Guthrie,	Monday,	

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JAN. 2, 1841.

On motion, leave of absence from the service of the House from and after Monday next, was granted to Mr. Davis, of Lenoir, for the residue of the session.

The resolution offered yesterday by Mr. Neal for rescinding the 50th Rule of Order, was taken up, and, on motion, rejected.

Mr. Biggs called up for consideration the bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers and their waters.

The House agreed to consider the bill, and the question being on the adoption of the amendment proposed by Mr. Biggs, was decided in the negative—yeas 50; nays 55. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Adams,	Graves,	Monday,
Baker,	Gray,	Morris,
Bannerman,	Guyther,	Morrow,
J. Barnes,	Hawkins,	Munroe,
E. Barnes,	Herring,	McCollum,
Beall,	Holland,	Neal,

Biggs,	Howerton,	Poindexter,
Boyd,	Hyman,	Pope,
Brogden,	Jacobs,	Powell,
Brower,	Jefferson,	Sullivan,
Bryan,	R. Jones,	J. W. Taylor,
Cardwell,	Kerr,	F. Taylor,
Chambers,	Killian,	Wadsworth,
Clegg,	King,	J. Walker,
Dickson,	I. W. Lane,	L. Walker,
Eunett,	Massey,	Ziglar.
Gee,	W. J. T. Miller,	

Those who voted in the negative, were

Messrs.

Allen,	Holt,	Patton,
Barringer,	Huggins,	Pemberton,
Boyden,	Joiner,	Proctor,
Brannock,	H. C. Jones,	Ragan,
Brummell,	J. B. Jones,	Rand,
Burns,	C. Jones,	Reid,
J. P. Caldwell,	Keener,	Robards,
G. W. Caldwell,	W. B. Lane,	Russell,
Carson,	Lilly,	Smith,
J. M. Covington,	Mendenhall,	Stallings,
J. W. Covington,	J. T. Miller,	Thompson,
Doak,	Mills,	Whitehurst,
Eaton,	Moore,	J. O'K. Williams,
Farrow,	McCleese,	F. Williams,
Franklin,	McLaughlin,	Winston,
J. R. Gilliam,	McLaurin,	Wilson,
D. A. Graham,	McMillan,	Withers,
Grandy,	Paine,	Young.
Hill,		

Mr. Withers moved that said bill be postponed indefinitely. The question thereon was decided in the affirmative—yeas 58, nays 51. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hill,	Poindexter,
Boyd,	Holt,	Proctor,

Boyden,	H. C. Jones,	Ragan,
Brannoek,	J. B. Jones,	Reid,
Brummell,	C. Jones,	Rand,
Burns,	W. B. Lane,	Robards,
J. P. Caldwell,	Lilly,	Russell,
G. W. Caldwell,	Mendenhall,	Smith,
Cardwell,	E. P. Miller,	Stallings,
J. W. Covington,	J. T. Miller,	Thompson,
J. M. Covington,	Mills,	Whitchurst,
Doak,	McCleese,	J. O'K. Williams,
Eaton,	McClenehan,	F. Williams,
Ennett,	McCollum,	Winston,
Farrow,	McLanghlin,	Wilson,
Franklin,	McLaurin,	Withers,
J. R. Gilliam,	McMillan,	Young,
D. A. Graham,	Paine,	Ziglar,
Grandy,	Patton,	
Guthrie,	Pemberton,	

Those who voted in the negative, were

Messrs.

Adams,	Graves,	Massey,
Allen,	Gray,	W. J. T. Miller,
Baker,	Guyther,	Monday,
Bannerman,	Hawkins,	Morris,
E. Barnes,	Holland,	Morrow,
J. Barnes,	Howerton,	Munroe,
Beall,	Huggins,	Neal,
Biggs,	Hyman,	Patterson,
Brogden,	Jacobs,	Pope,
Brower,	Jefferson,	Powell,
Bryan,	Joiner,	Spruill,
Carson,	R. Jones,	J. W. Taylor,
Chambers,	Keener,	F. Taylor,
Clegg,	Kerr,	Tomlinson,
Fleming,	Killian,	Wadsworth,
Gee,	King,	J. Walker,
J. Graham,	Mangum,	L. Walker.

The House, on motion of Mr. Robards, now proceeded to the consideration of the special order of the day, being the bill for the relief of the Raleigh and Gaston Rail Road Company. The said bill was read the second time and amended on motion of Mr. Patton, by adding the following at the end of the seventh section, viz:

"And unless the list of the names filed with the Public Treasurer does shew stock represented to the amount of four hundred thousand dollars, no aid shall be extended by this act to the Raleigh and Gaston Rail Road Company."

Mr. Cardwell moved further to amend the bill, by adding at the end of the eighth section the following proviso:

Provided, That before any of the said bonds are delivered to the President and Directors of said company, the stockholders in the same holding at least three fourths of the stock, shall enter into a bond payable to the State of North Carolina, covenanting and binding each and every one of the obligors therein, to pay and satisfy to the said State a part proportionate to the number of shares of each ones' stock, in any loss or damage that may come to the State, in consequence of such endorsement of the said bonds and insufficiency of the real and personal estate and property of said company to discharge the same: *And provided further*, that before any of said bonds are delivered as aforesaid, the Governor shall inquire into the standing and ability of said obligors; and shall certify to the Treasurer that in his opinion said obligors are sufficient to make good at least three fourths of the amount for which the Treasurer shall endorse."

The question on adopting this amendment was decided in the affirmative—yeas 58, nays 53. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Adams,	Herring,	Munroe,
Allen,	Holland,	McCleese,
Baker,	Huggins,	McLaughlin,
Bannerman,	Hyman,	Pope,
E. Barnes,	Jacobs,	Powell,
J. Barnes,	Jefferson,	Ragan,
Biggs,	J. B. Jones,	Reid,
Boyd,	C. Jones,	Russell,
Brogden,	R. Jones,	Smith,
G. W. Caldwell,	Kerr,	Sullivan,
Cardwell,	Killian,	Stallings,
Chambers,	Mangum,	F. Taylor,

J. M. Covington,	Massey,	Thompson,
Dickson,	J. T. Miller,	Tomlinson,
Ennett,	W. J. T. Miller,	Wadsworth,
Farrow,	Monday,	L. Walker,
Fleming,	Moore,	J. Walker,
Gee,	Morris,	J. O'K. Williams,
Graves,	Morrow,	Ziglar.
Guyther,		

Those who voted in the negative, were

Messrs.

Barringer,	J. Graham,	McLaurin,
Boyden,	Guthrie,	Neal,
Brannock,	Hawkins,	Paine,
Brower,	Hill,	Patton,
Brummell,	Holt,	Patterson,
Bryan,	Howerton,	Pemberton,
Burns,	Joiner,	Poindexter,
J. P. Caldwell,	H. C. Jones,	Rand,
Carson,	Keener,	Robards,
Clegg,	King,	Siler,
J. W. Covington,	W. B. Lape,	J. W. Taylor,
Doak,	Lilly,	Whitehurst,
Eaton,	Mendenhall,	F. Williams,
Franklin,	E. P. Miller,	Winston,
J. R. Gilliam,	Mills,	Wilson,
D. A. Graham,	McClenehan,	Withers,
Grandy,	McCollum,	Young.
Gray,	McMillan,	

The question shall the said bill pass the second reading, as amended? was decided in the negative—yeas 52, nays 58. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	McCollum,
Boyden,	Guyther,	McLaurin,
Braunock,	Hawkins,	McMillan,
Brower,	Jefferson,	Neal,
Brummell,	H. C. Jones,	Patton,
Bryan,	Keener,	Pemberton,
Burns,	W. B. Lane,	Poindexter,
Carson,	Lilly,	Rand,

Chambers,	Mangum,	Robards,
Clegg,	Massey,	Russell,
J. M. Covington,	Mendenhall,	Siler,
J. W. Covington,	E. P. Miller,	Whitehurst,
Doak,	W. J. T. Miller,	F. Williams,
Eaton,	Mills,	Winston,
Fleming,	Moore,	Wilson,
Franklin,	Morris,	Withers,
Grandy,	McClenehan,	Young.
Gray,		

Those who voted in negative, were

Messrs.

Adams,	Hill,	McLaughlin,
Allen,	Holland,	Paine,
Baker,	Holt,	Patterson,
Bannerman,	Howerton,	Pope,
J. Barnes,	Huggins,	Powell,
E. Barnes,	Hyman,	Ragan,
Biggs,	Jacobs,	Reid,
Boyd,	Joiner,	Smith,
Brogden,	J. B. Jones,	Sullivan,
J. P. Caldwell,	C. Jones,	Stallings,
G. W. Caldwell,	Kerr,	J. W. Taylor,
Cardwell,	Killian,	F. Taylor,
Dickson,	King,	Thompson,
Ennett,	I. W. Lane,	Tomlinson,
Farrow,	J. T. Miller,	Wadsworth,
Gee,	Monday,	L. Walker,
J. R. Gilliam,	Morrow,	J. Walker,
D. A. Graham,	Munroe,	J. O'K. Williams,
Graves,	McCleese,	Ziglar.
Herring,		

Mr. Paine, upon the calling of his name, asked to be excused from voting on this question. The House refused to excuse him; and he voted in the negative, as above mentioned.

After the House had voted, and before the result was announced, Mr. Spruill demanded the right to vote, declaring at the same time that he was a stockholder in said Company. The Speaker decided that he had no right to vote, according to the Rules of Order; and the name of Mr. Spruill was not called.

On motion, the House then adjourned until Monday morning, ten o'clock.

MONDAY, JAN. 4, 1841.

Received a message from the Senate, informing that they had passed the engrossed bill to lay off and establish a road down the Blue Ridge, from the line of the county of Yancy, to Turkey Cove Creek, in Burke county, with amendments; and asking the concurrence of this House. The amendments were read and concurred in.

Messrs. Pope, McMillan, J. W. Covington and Pember-ton were appointed a committee on enrolled bills for the present week.

Mr. Poindexter, from the Committee on Claims, reported unfavorably on the petition of Ezekiel Brewer, and asked to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate, concurring in the proposition of this House to raise a Committee of Conference on the disagreeing votes of the two Houses, on the bill directing the conveyance of the Commons adjoining the town of Murphy—and informing that Messrs. Clingman, Bynum and Bond form their branch of said committee.

Ordered, That the committee on the part of the Commons consist of Messrs. Reid, Moore and McClenchan.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz:

A bill to incorporate the town of Rutherfordton;

A bill concerning Jurors in Burke county;

And a resolution concerning Lumber River;

And asking the concurrence of this House.

Said bills and resolution were each read the first time and passed.

Mr. Siler presented a resolution concerning the bonds given for lands, at the Cherokee land sales. The said resolution was read the first time and passed, and, on motion of Mr. Cardwell, referred to the Committee on Cherokee Lands.

Mr. Burns presented a bill to incorporate the Salisbury

Manufacturing Company; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Little River Manufacturing Company—and asking the concurrence of this House. The said bill was read the first time and passed.

The engrossed resolution in favor of Thomas L. West, was read the second and third times, passed, and ordered to be enrolled.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was, on motion of Mr. Reid, made the order of the day for to-morrow.

The bill to incorporate the Concord Manufacturing Company, was, on motion of Barringer, taken up and made the order of the day for to-morrow,

Mr. Moore, from the Committee of Conference on the disagreeing votes of the two Houses on the bill directing the conveyance of the Commons adjoining the town of Murphy, to the Chairman of the County Court of Cherokee, made a report; which was read and concurred in.

The bill to repeal an act entitled an act to appoint a Committee of Finance for the county of Richmond, passed at the session of 1829-'30, was read the second and third time, passed, and ordered to be engrossed.

Mr. J. P. Caldwell moved that the House do now re-consider their vote of Saturday last, by which was rejected the bill for the relief of the Raleigh and Gaston Rail Road Company. The question on this motion was decided in the affirmative—yeas 61, nays 49. The yeas and nays demanded by Mr. Biggs.

Those who voted in the affirmative, were

Messrs.

Barringer,	Graves,	Morris,
Beall,	Gray,	McClenehan,
Boyden,	Guthrie,	McCollum,
Brannock,	Hawkins,	McLaurin,
Brower,	Hill,	McMillan,
Brummell,	Holt,	Neal,
Bryan,	Howerton,	Paine,
Burns,	Jefferson,	Patton,
J. P. Caldwell,	H. C. Jones,	Peunberton,
Carson,	C. Jones,	Poindexter,

Chambers,	Keener,	Proctor,
Clegg,	King,	Robards,
J. W. Covington,	W. B. Lane,	Russell,
J. M. Covington,	Lilly,	Siler,
Doak,	Mangum,	Whitehurst,
Eaton,	Massey,	F. Williams,
Fleming,	Mendenhall,	Winston,
Franklin,	E. P. Miller,	Withers,
J. R. Gilliam,	W. J. T. Miller,	Young,
D. A. Graham,	Mills,	
J. Graham,	Moore,	

Those who voted in the negative, were

Messrs:

Adams,	Huggins,	Powell;
Allen,	Hyman,	Ragan,
Baker,	Jacobs,	Reid,
Bannerman,	Joiner,	Smith,
J. Barnes,	J. B. Jones,	Sullivan,
E. Barnes,	R. Jones,	Stallings,
Biggs,	Kerr,	J. W. Taylor,
Boyd,	Killain,	F. Taylor,
Brogden,	I. W. Lane,	Thompson,
G. W. Caldwell,	J. T. Miller,	Wadsworth,
Cardwell,	Monday,	L. Walker,
Dickson,	Morrow,	J. Walker,
Ennett,	Munroe,	J. O'K. Williams,
Farrow,	McCleese,	Wilson,
Gee,	McLaughlin,	Ziglar.
Herring,	Patterson,	
Holland,	Pope,	

Mr. Reid moved to strike out the proviso inserted at the end of the eighth section, on the motion of Mr. Cardwell, on Saturday last.

Pending the motion to strike out, the said proviso was amended, on Mr. Cardwell's motion, by striking out the words, "and every;" also, by inserting the word "severally," after the word "therein."

The question then recurring on Mr. Reid's motion to strike out the proviso, as thus amended, was decided in the negative—yeas 52, nays 59.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	McLaurin,
Beall,	Hawkins,	Neal,
Brannock,	Hill,	Paine,
Brummell,	Holt,	Patton,
Bryan,	Howerton,	Patterson,
Burns,	Huggins,	Poindexter,
J. P. Caldwell,	Jefferson,	Proctor,
Carson,	H. C. Jones,	Rand,
Clegg,	Keener,	Reid,
J. W. Covington,	King,	Robards,
J. M. Covington,	W. B. Lane,	Siler,
Doak,	Lilly	Whitehurst,
Eaton,	Mangum,	F. Williams,
Franklin,	Massey,	Winston,
J. R. Gilliam,	Mendenhall,	Withers,
D. A. Graham,	E. P. Miller,	Young.
J. Graham,	McClenehan,	
Gray,	McCollum,	

Those who voted in the negative, were

Messrs.

Adams,	Holland,	McMillan,
Allen,	Hyman,	Pemberton,
Baker,	Jacobs,	Pope,
J. Barnes,	Joiner,	Powell,
E. Barnes,	J. B. Jones,	Ragan,
Biggs,	C. Jones,	Russell,
Boyd,	R. Jones,	Smith,
Boyden,	Kerr,	Sullivan,
Brogden,	Killian,	Stallings,
Brower,	I. W. Lane,	J. W. Taylor,
G. W. Caldwell,	J. T. Miller,	F. Taylor,
Cardwell,	W. J. T. Miller,	Thompson,
Chambers,	Mills,	Tomlinson,
Dickson,	Monday,	Wadsworth,
Ennett,	Moore,	L. Walker,
Farrow,	Morris,	J. Walker,
Fleming,	Morrow,	J. O'K. Williams,
Gee,	Munroe,	Wilson,
Graves,	McCleese,	Ziglar.
Herring,	McLaughlin,	

Mr. Paine moved that the bill lie on the table. The question thereon was decided in the negative—yeas 9—nays 100.

Those who voted in the affirmative, were

Messrs.

J. R. Gilliam,	Jacobs,	Paine,
Allen,	King,	Pope,
Hyman,	Moore,	Wadsworth.

Those who voted in the negative, were

Messrs.

Adams,	Gray,	McCollum,
Baker,	Guthrie,	McLaughlin,
Bannerman,	Hawkins,	McLaurin,
J. Barnes,	Herring,	McMillan,
E. Barnes,	Hill,	Neal,
Barringer,	Holland,	Patton,
Beall,	Holt,	Patterson,
Biggs,	Howerton,	Pemberton,
Boyd,	Higgins,	Poindexter,
Boyden,	Jefferson,	Powell,
Brannock,	Joiner,	Proctor,
Brogden,	H. C. Jones,	Ragan,
Brower,	J. B. Jones,	Rand,
Brummell,	C. Jones,	Reid,
Bryan,	R. Jones,	Robards,
Burns,	Keener,	Russell,
J. P. Caldwell,	Kerr,	Siler,
G. W. Caldwell,	Killian,	Smith,
Cardwell,	W. B. Lane,	Sullivan,
Carson,	I. W. Lane,	Stallings,
Clegg,	Lilly,	J. W. Taylor,
J. M. Covington,	Massey,	F. Taylor,
J. W. Covington,	E. P. Miller,	Tomlinson,
Dickson,	J. T. Miller,	J. Walker,
Doak,	W. J. T. Miller,	L. Walker,
Eunett,	Mendenhall,	Whitehurst,
Eaton,	Mills,	J. O'K. Williams,
Farrow,	Monday,	F. Williams,
Franklin,	Morris,	Winston,
Fleming,	Morrow,	Wilson,
Gee,	Munroe,	Withers,

D. A. Graham,	McCleese,	Young,
J. Graham,	McClenahan,	Ziglar.
Graves,		

Mr. Cad. Jones moved that the bill be referred to a Select Committee, with directions to inquire into the condition of the Raleigh and Gaston Rail Road Company, and into the extent of the liability of the State under the act of 1838, and how far it is practicable to provide for the more effectual security of the State against loss upon the endorsements of Rail Road notes, and how far it is practicable to relieve said Road; and that the committee have leave to report by bill or otherwise. The question on this motion was decided in the negative.

Ordered, on motion of Mr. Robards, that a message be sent to the Senate, proposing that said bill be referred to a Joint Select Committee of five on the part of each House.

Mr. Cardwell offered the following resolution; which was read and adopted:

Resolved, That the President of the Raleigh and Gaston Rail Road Company be requested to inform this House what amount of stock is owned in said company by non-residents of this State.

Mr. Barringer presented a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Cabarrus and Mecklenburg; and Mr. Grandy a bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes. These bills were read the first time and passed.

The bill giving to the county of Cherokee a Superior Court of Law and Equity;

The bill to incorporate the Trustees of the Ashville Female Academy, in Buncombe county;

The bill concerning Deputy Sheriffs;

The bill to encourage the destruction of wolves in the county of Haywood;

The bill to incorporate the Raleigh Mechanics' Association;

The bill to amend the laws concerning the fees of Coroners;

The bill for the better regulation of the County Courts of Cumberland;

The resolution for distributing the Revised Statutes;

And the resolution in favor of B. and A. Morrison, were each read the second time and passed.

The bill to repeal an act passed in the year 1831, entitled an act to give exclusive jurisdiction to the Superior Courts for the county of Moore; and the bill to amend the 22nd section of the Revised Statutes, chapter 88, entitled an act to reduce into one the several acts concerning pilots and commissioners of navigation, were each read the second and third times, passed and ordered to be engrossed.

The engrossed resolution in favor of the Public Treasurer; and the engrossed resolution in favor of Mark H. Hill, were each read the second and third times, passed, and ordered to be enrolled.

The bill to provide for the distribution of the proceeds of land sold for partition in certain cases, was, on motion of Mr. Winston, referred to the Committee on the Judiciary.

Mr. Barringer, from the Joint Select Committee, who were instructed to inquire into the expediency of an extra session of the General Assembly, made a report and asked to be discharged from the further consideration of the subject. The report was, on motion of Mr. Winston, laid upon the table.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Whitehurst presented a bill to alter the rate of pilotage over Ocracoke Bar and the Swashes; which was read the first time and passed, and referred, on Mr. Wadsworth's motion, to the Committee on Propositions and Grievances.

Mr. Boyden presented a bill in addition to the Revised Statutes, entitled an act for the prevention of frauds and fraudulent conveyances; which was read the first time and passed, and referred, on Mr. Boyden's motion, to the Committee on the Judiciary.

Mr. presented a bill in regard to the duties of Public Registers of this State; which was read the first time and passed, and referred, on motion of Mr. Winston, to the Committee on the Judiciary.

The engrossed bill giving to the county of Henderson a Superior Court of Law and Equity, was read the second time, amended and passed.

The bill to compel the militia officers of Mecklenburg county to drill three days in each and every year; and the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, as far as respects the county of Randolph, were each read the second time and passed.

The resolution in favor of John Moore was read, and on motion of Mr. Patton, postponed indefinitely.

The bill to secure to Mary Sandlin, of Duplin county, such property as she may hereafter acquire, was, on motion of Mr. Winston, postponed indefinitely.

The bill upon the subject of a Penitentiary was read the second time.

Mr. Spruill moved that said bill be postponed indefinitely. The motion was lost; and the question shall said bill pass the second reading? was determined in the affirmative—yeas 77, nays 31. Yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	McLaurin,
Bannerman,	Herring,	Mc Millan,
J. Barnes,	Hill,	Neal,
E. Barnes,	Holland,	Patton,
Barringer,	Holt,	Patterson,
Beall,	Howerton,	Poindexter,
Biggs,	Hyman,	Pope,
Boyd,	Jacobs,	Powell,
Brannock,	J. B. Jones,	Proctor,
Brogden,	C. Jones,	Ragan,
Brower,	R. Jones,	Rand,
Brummell,	Kerr,	Siler,
Bryan,	Killian,	Sullivan,
G. W. Caldwell,	W. B. Lane,	J. W. Taylor,
Chambers,	Mangum,	F. Taylor,
Clegg,	Massey,	Thompson,
J. W. Covington,	Mendenhall,	Tomlinson,
J. M. Covington,	E. P. Miller,	Wadsworth,
Dickson,	W. J. T. Miller,	L. Walker,
Doak,	Monday,	J. Walker,
Eunett,	Moore,	Whitehurst,
Fleming,	Morrow,	J. O'K. Williams,

Franklin,	Munroe,	F. Williams,
Gee,	McClenehan,	Wilson,
J. Graham,	McCollum,	Ziglar.
Graves,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Allen,	Huggins,	McCleese,
Boyden,	Jefferson,	Pemberton,
Burns,	Joiner,	Reid,
J. P. Caldwell,	H. C. Jones,	Smith,
Cardwell,	Keener,	Spruill,
Carson,	I. W. Lane,	Stallings,
Eaton,	Lilly,	Winston,
Farrow,	J. T. Miller,	Withers,
D. A. Graham,	Mills,	Young.
Guthrie,	Morris,	
Hawkins,	Murchison,	

Mr. Holt offered the following resolution:

Resolved, That a message be sent to the Senate, proposing that both Houses of the General Assembly adjourn *sine die*, on Friday the 8th of January, 1841.

Mr. Brummell moved that said resolution lie on the table. The question thereon was decided in the affirmative—yeas 56, nays 48. The yeas and nays demanded by Mr. Holt.

Those who voted in the affirmative, were

Messrs.

E. Barnes,	Graves,	Moore,
Barringer,	Gray,	Munroe,
Beall,	Guthrie,	McClenehan,
Boyd,	Hawkins,	McLaurin,
Boyden,	Hill,	McMillan,
Brannock,	Howerton,	Patton,
Brower,	Hyman,	Patterson,
Brummell,	Jacobs,	Poindexter,
Bryan,	Jefferson,	Rand,
Burns,	Joiner,	Reid,
Chambers,	H. C. Jones,	Siler,
J. M. Covington,	C. Jones,	Smith,

J. W. Covington,	Keener,	Wadsworth,
Doak,	Killian,	L. Walker,
Eaton,	W. B. Lane,	Whitehurst,
Franklin,	Mangum,	F. Williams,
Gee,	Massey,	Winston,
D. A. Graham,	Mendenhall,	Young,
J. Graham,	Mills,	

Those who voted in the negative, were

Messrs.

Adams,	Holland,	McLaughlin,
Allen,	Holt,	Neal,
Bannerman,	Huggins,	Pemberton,
J. Barnes,	J. B. Jones,	Powell,
Biggs,	R. Jones,	Ragan,
Brogden,	Kerr,	Sullivan,
J. P. Caldwell,	I. W. Lane,	Stallings,
Cardwell,	E. P. Miller,	J. W. Taylor,
G. W. Caldwell,	J. T. Miller,	F. Taylor,
Carson,	W. J. T. Miller,	Thompson,
Clegg,	Monday,	Tomlinson,
Dickson,	Morrow,	J. Walker,
Ennett,	Morris,	J. O'K. Williams,
Farrow,	Murchison,	Wilson,
Fleming,	McCleese,	Withers,
Herring,	McCollum,	Ziglar.

Mr. Jefferson offered the following resolution; which was read, and on Mr. Winston's motion, laid upon the table, viz:

Resolved, That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn on Monday next, until the first day of January, A. D. 1842.

A message from the Senate, concurring in the proposition of this House to refer the bill for the relief of the Raleigh and Gaston Rail Road Company to a Joint Select Committee of five on the part of each House, and informing that Messrs. Edwards, Waddell, Shepard, Mitchell & Kerr form their branch of said committee.

Ordered, That Messrs. Barringer, C. Jones, Rand, McClenahan and Eaton form said committee on the part of this House.

The resignation of David Hendrick as a Justice of the Peace for the county of Stokes, was read and accepted.

A bill to prevent frauds in the execution of deeds of trust, was read, and on motion of Mr. Holt, indefinitely postponed—yeas 62, nays 39. Yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Adams,	Holland,	Munroe,
E. Barnes,	Holt,	McClenahan,
Boyd,	Howerton,	McCollum,
Brannock,	Jacobs,	Paine,
Brower,	Jefferson,	Pope,
Burns,	Joiner,	Proctor,
J. P. Caldwell,	J. B. Jones,	Ragan,
Cardwell,	R. Jones,	Rand,
Clegg,	C. Jones,	Smith,
J. M. Covington,	Keener,	Spruill,
J. W. Covington,	Killian,	Sullivan,
Dickson,	King,	Stallings,
Doak,	W. B. Lane,	Thompson,
Ennett,	I. W. Lane,	Tomlinson,
Farrow,	Mangum,	Wadsworth,
Gee,	Massey,	L. Walker,
J. Graham,	Mendenhall,	J. O'K. Williams,
Grandy,	J. T. Miller,	Winston,
Graves,	W. J. T. Miller,	Wilson,
Hawkins,	Moore,	Ziglar.
Hill,	Morris,	

Those who voted in the negative, were

Messrs.

Allen,	Franklin,	Neal,
Baker,	D. A. Graham,	Patton,
Bannerman,	Gray,	Patterson,
J. Barnes,	Guthrie,	Pemberton,
Barringer,	Huggins,	Poindexter,
Beall,	Hyman,	Pcwell,
Biggs,	H. C. Jones,	Russell,
Brogden,	Kerr,	J. W. Taylor,
Boyden,	Mills,	J. Walker,
Brummell,	Monday,	Whitehurst,

Carson,	McLanghlin,	F. Williams,
Eaton,	McLaurin,	Withers,
Fleming,	McMillan,	Young.

Mr. Boyden called up for consideration the resolutions relating to the Public Domain.

Mr. Cardwell offered the following amendment as an additional resolution:

Resolved further, That under the present pecuniary embarrassment of the country, the best interests of the Union require that no more revenue should be collected from the people than is absolutely necessary to defray the expenditures of an economical administration of the General Government.

The question on the adoption of this amendment was decided in the negative—yeas 48, nays 63.

Those who voted in the affirmative, were,

Messrs.

Adams,	Guthrie,	Monday,
Bantherman,	Hawkins,	Morrow,
J. Barnes,	Herring,	Munroe,
E. Barnes,	Holland,	Neal,
Biggs,	Howerton,	Patterson,
Boyd,	Jacobs,	Powell,
Brogden,	J. B. Jones,	Ragan,
G. W. Caldwell,	C. Jones,	Rand,
Cardwell,	R. Jones,	Reid,
Chambers,	Kerr,	Sullivan,
Dickson,	Killian,	Stallings,
Eaton,	I. W. Lane,	F. Taylor,
Eunett,	Mangum,	Tomlinson,
Fleming,	Massey,	L. Walker,
J. Graham,	J. T. Miller,	J. Walker,
Graves,	W. J. T. Miller,	Ziglar.

Those who voted in the negative, were

MESSRS.

Allen,	Gray,	McLaurin,
Barringer,	Hill,	McMillan,
Beall,	Holt,	Paine,
Boyden,	Huggins,	Patton,

Brannock,	Hyman,	Pemberton,
Brower,	Jefferson,	Poindexter,
Brummell,	Joiner,	Pope,
Bryan,	H. C. Jones,	Proctor,
Burns,	Keener,	Siler,
J. P. Caldwell,	W. B. Lane,	Smith,
Carson,	Lilly,	Spruill,
Clegg,	Mendenhall,	J. W. Taylor,
J. M. Covington,	E. P. Miller,	Thompson,
J. W. Covington,	Mills,	Wadsworth,
Doak,	Moore,	Whitehurst,
Farrow,	Morris,	J. O'K. Williams,
Franklin,	Murchison,	F. Williams,
Gee,	McCleese,	Winston,
J. R. Gilliam,	McClenchan,	Wilson,
D. A. Graham,	McCollum,	Withers,
Grandy,	McLaughlin,	Young.

Mr. Patterson moved that the House adjourn until tomorrow 10 o'clock. The question thereon was decided in the negative—yeas 4, nays 102. The yeas and nays demanded by Mr. Patterson.

Those who voted in the affirmative, were

Messrs.

Mangum,	Rand,	Winston.
Patterson,		

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Murchison,
Allen,	Graves,	McClenchan,
Baker,	Gray,	McCollum,
Bannerman,	Hawkins,	McLaughlin,
J. Barnes,	Herring,	McLaurin,
E. Barnes,	Hill,	McMillan,
Barringer,	Holland,	Neal,
Beall,	Holt,	Paine,
Biggs,	Howerton,	Patton,
Boyd,	Huggins,	Pemberton,
Boyden,	Hyman,	Poindexter,
Brannock,	Jacobs,	Pope,

Brogden,	Jefferson,	Powell,
Brower,	Joiner,	Proctor,
Brummell,	H. C. Jones,	Ragan,
Bryan,	J. B. Jones,	Reid,
Burns,	R. Jones,	Robards,
J. P. Caldwell,	Keener,	Smith,
G. W. Caldwell,	Kerr,	Spruill,
Cardwell,	King,	Stallings,
Carson,	W. B. Lane,	J. W. Taylor,
Chambers,	I. W. Lane,	F. Taylor,
Clegg,	Lilly,	Thompson,
J. M. Covington,	Massey,	Tomlinson,
J. W. Covington,	Mendenhall,	Wadsworth,
Dickson,	E. P. Miller,	J. Walker,
Doak,	J. T. Miller,	L. Walker,
Eaton,	W. J. T. Miller,	Whitehurst,
Ennett,	Mills,	J. O'K. Williams,
Fleming,	Monday,	F. Williams,
Franklin,	Moore,	Wilson,
Gee,	Morris,	Withers,
D. A. Graham,	Morrow,	Young,
J. Graham,	Munroe,	Ziglar.

The question now being on the adoption of the resolution, the House agreed, on motion of Mr. Cardwell, to take the question on each separately. And the question then was on the adoption of the first resolution in the following words. viz:

Be it therefore resolved, That this General Assembly do condemn in the most decided manner, any act by the Congress of the United States, whatever title it may bear, which contemplates a disposition of the proceeds of the sales of the public lands, otherwise than as set forth in the deeds of cession from the several States.

The question on the adoption of this resolution was decided in the affirmative—yeas 103, nays 1.

Those who voted in the affirmative, were

Messrs.

Adams,
Allen,
Baker,
Bannerman,

Gray,
Hawkins,
Herring,
Hill.

McClenehan,
McCollum,
McLaughlin,
McLaurin,

E. Barnes,	Holland,	McMillan,
J. Barnes,	Holt,	Neal,
Barringer,	Howerton,	Paine,
Beall,	Huggins,	Patton,
Biggs,	Hymau,	Patterson,
Boyd,	Jacobs,	Pemberton,
Boyden,	Jefferson,	Poindexter,
Brannock,	Joiner,	Pope,
Brogden,	H. C. Jones,	Powell,
Brower,	J. B. Jones,	Proctor,
Brummell,	R. Jones,	Ragan,
Bryan,	Keener,	Rand,
Burns,	Kerr,	Reid,
J. P. Caldwell,	Killian,	Robards,
G. W. Caldwell,	King,	Siler,
Cardwell,	W. B. Lane,	Smith,
Carson,	I. W. Lane,	Spruill,
Chambers,	Lilly,	Stallings,
Clegg,	Mangum,	J. W. Taylor,
J. W. Covington,	Massey,	F. Taylor,
J. M. Covington,	Mendenhall,	Thompson,
Dickson,	E. P. Miller,	Tomlinson,
Doak,	J. T. Miller,	Wadsworth,
Eaton,	W. J. T. Miller,	J. Walker,
Fleming,	Mills,	L. Walker,
Franklin,	Monday,	Whitchurst,
Gee,	Moore,	J. O'K. Williams,
J. R. Gilliam,	Morris,	F. Williams,
D. A. Graham,	Morrow,	Wilson,
J. Graham,	Munroe,	Withers,
Grandy,	Murchison,	Young,
Graves,	McCleese,	Ziglar.

Mr Ennett voted in the negative.

The second resolution was in the words following, viz:

1. *Resolved further*, That our Senators and Representatives in the Congress of the United States be requested to use their best exertions to procure the passage of a bill directing the division of the proceeds of the sales of the public domain among the States in an equitable ratio, to be used by the States for Internal Improvement, Education, or any other purpose as may be deemed expedient by the several States receiving said distribution.

The question on adopting this resolution, was decided in the affirmative—yeas 68, nays 40.

Those who voted in the affirmative, were

Messrs.

Adams,	Hill,	McLaurin,
Allen,	Holt,	McMillan,
Barringer,	Huggins,	Neal,
Beall,	Hyman,	Paine,
Boyden,	Jacobs,	Patton,
Brannock,	Jefferson,	Pemberton,
Brower,	Joiner,	Poindexter,
Brummell,	H. C. Jones,	Pope,
Bryan,	Keener,	Proctor,
Burns,	King,	Robards,
J. P. Caldwell,	W. B. Lane,	Siler,
Carson,	Lilly,	Smith,
Clegg,	Mendenhall,	Spruill,
J. M. Covington,	E. P. Miller,	J. W. Taylor,
J. W. Covington,	W. J. T. Miller,	Thompson,
Doak,	Mills,	Wadsworth,
Franklin,	Moore,	Whitehurst,
Gee,	Morris,	J. O'K. Williams,
J. R. Gilliam,	Murchison,	F. Williams,
D. A. Graham,	McCleese,	Wilson,
J. Graham,	McClenehan,	Withers,
Grandy,	McCollum,	Young.
Gray,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Baker,	Graves,	Morrow,
Bannerman,	Havkins,	Munroe,
J. Barnes,	Herring,	Patterson,
E. Barnes,	Holland,	Powell,
Biggs,	Howerton,	Ragan,
Boyd,	J. B. Jones,	Rand,
Brogden,	R. Jones,	Reid,
G. W. Caldwell,	Kerr,	Stallings,
Cardwell,	Killain,	Tomlinson,
Chambers,	I. W. Lane,	L. Walker,
Dickson,	Manguin,	J. Walker,

Eaton,
Ennett,
Fleming,

Massey,
J. T. Miller,
Monday,

Ziglar.

The third resolution was in the words following, viz:

Resolved, That the Governor of this State be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, with a request that they lay them before their respective bodies.

The question on the adoption of this resolution was decided in the affirmative—yeas 68, nays 39.

Those who voted in the affirmative, were

Messrs.

Adams,
Allen,
Barringer,
Beall,
Boyden,
Brannock,
Brower,
Brummell,
Bryan,
Burns,
J. P. Caldwell,
Carson,
Clegg,
J. W. Covington,
J. M. Covington,
Doak,
Franklin,
Gee,
J. R. Gilliam,
D. A. Graham,
J. Graham,
Grandy,
Gray,

Hill,
Holt,
Huggins,
Hyman,
Jacobs,
Jefferson,
Joiner,
H. C. Jones,
Keener,
King,
W. B. Lane,
Lilly,
Mendenhall,
E. P. Miller,
W. J. T. Miller,
Mills,
Moore,
Morris,
Murchison,
McCleese,
McClenehan,
McCollum,
McLaughlin,

McLaurin,
McMillan,
Neal,
Paine,
Patton,
Peinberton,
Poindexter,
Pope,
Proctor,
Robards,
Siler,
Smith,
Spruill,
J. W. Taylor,
Thompson,
Wadsworth,
Whitehurst,
J. O'K. Williams,
F. Williams,
Wilson,
Withers,
Young.

Those who voted in negative, were

Messrs.

Baker,
Bannerman,

Fleming,
Graves,

J. T. Miller,
Monday,

J. Barnes,	Hawkins,	Morrow,
E. Barnes,	Herring,	Munroe,
Biggs,	Holland,	Patterson,
Boyd,	Howerton,	Powell,
Brogden,	J. B. Jones,	Ragan,
G. W. Caldwell,	R. Jones,	Rand,
Cardwell,	Kerr,	Reid,
Chambers,	Killian,	Stallings,
Dickson,	L. W. Lane,	Tomlinson,
Eaton,	Mangum,	J. Walker,
Eunett,	Massey,	L. Walker.

Mr. Eaton called for a division of the question on the Preamble; and the question on receiving the first clause thereof in the following words, viz: "Whereas, we believe that each of the United States, being a party to the national compact, possesses an interest in the Public Domain proportioned to the federal population of each; or, in the terms of the compact, according to the usual respective proportions of the general charge and expenditures," was decided in the affirmative—yeas 107, nays 1.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	McClenehan,
Allen,	Hawkins,	McCollum,
Baker,	Herring,	McLaughlin,
Bannerman,	Hill,	McLaurin,
E. Barnes,	Holland,	McMillan,
J. Barnes,	Holt,	Neal,
Barringer,	Howerton,	Paine,
Beall,	Huggins,	Patton,
Biggs,	Hyman,	Patterson,
Boyd,	Jacobs,	Pemberton,
Boyden,	Jefferson,	Poindexter,
Braunock,	Joiner,	Pope,
Brogden,	H. C. Jones,	Powell,
Brower,	J. B. Jones,	Proctor,
Brummell,	R. Jones,	Ragan,
Bryan,	Keener,	Rand,
Burns,	Kerr,	Reid,
J. P. Caldwell,	Killian,	Robards,
G. W. Caldwell,	King,	Siler,
Cardwell,	W. B. Lane,	Smith,

Carson,	I. W. Lane,	Spruill,
Clegg,	Lilly,	Stallings;
J. M. Covington,	Mangum,	J. W. Taylor;
J. W. Covington,	Massey,	Thompson,
Dickson,	Mendenhall;	Tomlinson,
Doak,	E. P. Miller,	Wadsworth,
Euton, ¹	J. T. Miller,	L. Walker,
Farrow,	W. J. T. Miller,	J. Walker,
Fleming,	Mills,	Whitehurst,
Franklin,	Monday,	F. Williams,
Gee,	Moore,	J. O'K. Williams;
J. R. Gilliam,	Morrow,	Wilson,
D. A. Graham,	Morris,	Withers,
J. Graham,	Munroe,	Young,
Grandy,	Murchison,	Ziglar.
Graves,	McCleese,	

Mr. Ennett alone voted in the negative.

The question on the adoption of the second branch of the Preamble, in the words following, viz: "And we see with regret that by the introduction of bills called Pre-emption Bills, Graduation Bills, and other measures into the Congress of the United States, manifest injustice is intended to the older members of the Confederacy," was decided in the affirmative—yeas 70, nays 39.

Those who voted in the affirmative, were

Messrs.

Adams,	Hill,	McMillan;
Allén,	Holt,	Neal,
Barringer,	Huggins,	Paine,
Beall,	Hyman,	Patton,
Boyden,	Jacobs,	Pemberton,
Brannock,	Jefferson,	Poindexter;
Brower,	H. C. Jones,	Pope,
Brummell,	Mendenhall,	Proctor,
Bryan,	E. P. Miller,	Robards,
Burns,	W. J. T. Miller,	Siler,
J. P. Caldwell,	Mills,	Smith,
Carson,	Moore,	Spruill,
Clegg,	Morris,	J. W. Taylor;
J. W. Covington,	Murchison,	Thompson,
J. M. Covington,	McCleese,	Tomlinson,
D. A. Graham,		

Doak,	McClenehan,	Wadsworth,
Farrow,	McCollum,	Whitehurst,
Franklin,	McLaughlin,	F. Williams,
Gee,	Keener,	J. O'K. Williams,
J. R. Gilliam,	King,	Winston,
D. A. Graham,	W. B. Lane,	Wilson,
J. Graham,	Lilly,	Withers,
Grandy,	McLaurin,	Young.
Gray,		

Those who voted in the negative, were

Messrs.

Baker,	Graves,	Monday,
Bannerman,	Hawkins,	Morrow,
J. Barnes,	Herring,	Munroe,
E. Barnes,	Holland,	Patterson,
Biggs,	Howerton,	Powell,
Boyd,	J. B. Jones,	Ragan,
Brogden,	R. Jones,	Rand,
G. W. Caldwell,	Kerr,	Reid,
Cardwell,	Killian,	Sullivan,
Dickson,	I. W. Lane,	Stallings,
Eaton,	Mangum,	L. Walker,
Ennett,	Massey,	J. Walker,
Flening,	J. T. Miller,	Ziglar.

Ordered, That said Preamble and Resolutions be engrossed.

The House then adjourned until to-morrow morning, ten o'clock.

TUESDAY, JAN. 5, 1841.

On motion, leave of absence from the service of the House for the residue of the session, was granted to Mr. Sullivan, from and after to-morrow, and to Mr. Withers, from and after Saturday next.

Mr. Hill offered the following paper:

"At the request of a number of highly respectable citi-

zens of the county of Onslow, I recommend the following Persons to the appointment of Justices of the Peace in said county, viz: David W. Saunders, Edward W. Montford, Owen Huggins and Isaac N. Saunders.

Signed F. J. HILL,

Commoner for the county of Brunswick."

On motion of Mr. Ennett,

Ordered, That the further consideration of the same be postponed indefinitely.

On motion of Mr. Winston, the House took up for consideration the report of the Joint Select Committee on the expediency of an extra session of the General Assembly, when the report of the committee was concurred in, and the committee discharged from the further consideration of the subject.

Mr. Paine presented a bill to incorporate the Light Infantry Company, in the town of Edenton; which was read the first time and passed.

Mr. Reid presented a resolution to pay certain contingent expenses of this General Assembly; which was read the first time and passed, and referred, on Mr. Reid's motion, to the Committee on Claims.

Mr. Siler, from the Committee on Cherokee Lands, reported the resolution concerning the bonds given for land at the Cherokee Land Sales without amendment.—The said resolution was read and amended, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

Mr. J. P. Caldwell, from the Committee on Military Affairs, asked to be discharged from the further consideration of so much of the Governor's message as relates to Uniform Voluntary Companies of Militia. The report was concurred in.

On motion of Mr. J. Barnes, the House took up for consideration the resolution by him introduced on the 24th of December ultimo, calling upon the Public Treasurer for certain information relating to the public fund.

On motion of Mr. Barringer, the said resolution was amended by adding the following:

"And that a committee of five be appointed to inquire into the loans made by the Board of Internal Improvement and Literary Fund; that they examine into the solvency of the borrowers, and report to this House."

The question on adopting this resolution, as thus amended, was decided in the affirmative—yeas 99, nays 11. The yeas and nays demanded by Mr. J Barnes.

Those who voted in the affirmative, were

Messrs.

Adams,	Grandy,	McCollum,
Allen,	Graves,	McLaurin,
Baker,	Gray,	McMillan,
Bannerman,	Guthrie,	Neal,
J. Barnes,	Guyther,	Patton,
E. Barnes,	Hawkins,	Patterson,
Barringer,	Herring,	Pemberton,
Beall,	Hill,	Poindexter,
Biggs,	Holland,	Pope,
Boyd,	Holt,	Powell,
Boyden,	Howerton,	Proctor,
Brannock,	Huggins,	Rand,
Brogden,	Hyman,	Reid,
Brower,	Jacobs,	Robards,
Brummell,	Jefferson,	Russell,
Bryan,	Joiner,	Smith,
Burns,	J. B. Jones,	Spruill,
J. P. Caldwell,	C. Jones,	Sullivan,
G. W. Caldwell,	R. Jones,	Stallings,
Cardwell,	Kerr,	J. W. Taylor,
Carson,	King,	F. Taylor,
Chambers,	W. B. Lane,	Thompson,
Clegg,	I. W. Lane,	Tomlinson,
J. W. Covington,	Lilly,	Wadsworth,
J. M. Covington,	Mangum,	L. Walker,
Dickson,	Massey,	J. Walker,
Doak,	E. P. Miller,	J. O'K. Williams,
Ennett,	J. T. Miller,	F. Williams,
Farrow,	W. J. T. Miller,	Wilson,
Fleming,	Mills,	Winston,
Franklin,	Morris,	Withers,
D. A. Graham,	Morrow,	Young,
J. Graham,	Munroe,	Ziglar.

Those who voted in the negative, were

Messrs.

Eaton,	Monday,	McLaughlin,
Gee,	Moore,	Siler,

H. C. Jones,
Keener,

Murchison,
McClenchan,

Whitehurst.

Mr. J. P. Caldwell, from the Committee on Military Affairs, reported unfavorably on the resolution upon the subject of amending the militia laws of this State; and asked to be discharged from the further consideration of the subject. The report was concurred in.

The bill to amend the Revised Statutes, entitled an act concerning the appointment of guardians and the management of orphans and their estates; and the bill to regulate the measurement of ton and square timber and saw mill lumber, were each read the third time, passed and ordered to be engrossed.

The engrossed bill to incorporate the Trustees of Hopewell Academy, near Stantonburgh, in Edgecomb county, was read the second and third times, passed and ordered to be enrolled.

On motion of Mr. Withers,

Resolved, That the bill to establish and regulate Common Schools throughout the State, be the order of the day, beginning to-morrow at 11 o'clock, and every subsequent day, beginning at the hour of eleven, until disposed of; and shall have precedence of all other matters.

The House then, adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The bill to amend the Revised Statutes, entitled an act for preventing of frauds and fraudulent conveyances;

The bill for the better government and regulation of the town of Murfreesborough, in Hertford county;

And the bill in favor of poor debtors, were each read the third time, passed, and ordered to be engrossed.

The bill to amend an act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie Rivers and their waters, was read, and on motion of Mr. Smith, laid on the table.

Mr. Robards, from the Committee on Military Affairs, to whom was referred the petition of the officers of the 67th regiment of militia, praying the passage of a law

compelling the militia to muster six times a year, reported unfavorably thereon. The report was concurred in.

The bill to compel the militia officers of Mecklenburg county to drill three days in each and every year;

And the bill to repeal an act entitled an act directing the County Courts to pay fees to certain officers therein named, so far as relates to the county of Randolph, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill giving to the county of Henderson a Superior Court of Law and Equity, was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment made on the second reading of the bill.

Mr. Barringer offered the following Resolution:

Resolved, That the operation of the 31st Rule of Order be suspended for the residue of the session.

Said resolution was read and laid upon the table.

The bill upon the subject of a Penitentiary, was read the third time.

Mr. Spruill moved that the said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 29, nays 73. The yeas and nays demanded by Mr. L. Walker.

Those who voted in the affirmative, were

Messrs.

Boyd,	Hawkins,	Pemberton,
Boyden,	Jefferson,	Poindexter,
Burns,	H. C. Jones,	Reid,
J. P. Caldwell,	Kerr,	Spruill,
Clegg,	Lilly,	Sullivan,
Dickson,	E. P. Miller,	Stallings,
Eaton,	J. T. Miller,	F. Williams,
Ennett,	Mills,	Withers,
Farrow,	Moore,	Young.
Guthrie,	Murchison,	

Those who voted in the negative, were

Messrs.

Adams,	Graves,	McLaurin,
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Allen,	Gray,	McMillan,
J. Barnes,	Guyther,	Pope,
E. Barnes,	Holland,	Patton,
Barringer,	Holt,	Proctor,
Beall,	Howerton,	Ragan,
Biggs,	Huggins,	Rand,
Brannock,	Hyman,	Robards,
Brogden,	Jacobs,	Russell,
Brower,	Joiner,	Siler,
Brummell,	J. B. Jones,	Smith,
Bryan,	R. Jones,	J. W. Taylor,
G. W. Caldwell,	Keener,	F. Taylor,
Cardwell,	Killian,	Thompson,
Carson,	King,	Tomlinson,
Chambers,	W. B. Lane,	Wadsworth,
J. M. Covington,	Mangum,	J. Walker,
J. W. Covington,	Massey,	L. Walker,
Doak,	W. J. T. Miller,	Whitehurst,
Franklin,	Morris,	J. O'K. Williams,
Gee,	Morrow,	Winston,
J. R. Gilliam,	Munroe,	Wilson,
D. A. Graham,	McClenehan,	Ziglar,
J. Graham,	McCollum,	
Grandy,	McLaughlin,	

On motion of Mr. Moore,

Ordered, That said bill lie on the table—yeas 56, nays 53. The yeas and nays demanded by Mr. Cad. Jones.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	Pemberton,
Allen,	Guthrie,	Poindexter,
Bannerman,	Hawkins,	Pope,
E. Barnes,	Herring,	Ragan,
Biggs,	Jefferson,	Reid,
Boyd,	Joiner,	Robards,
Boyden,	H. C. Jones,	Russell,
Brogden,	R. Jones,	Smith,
Burns,	Kerr,	Spruill,
J. P. Caldwell,	Killian,	Sullivan,
Cardwell,	I. W. Lane,	Stallings,
Carson,	Lilly,	J. W. Taylor,
Clegg,	Massey,	F. Taylor,

Dickson,	J. T. Miller,	Thompson,
Eaton,	Mills,	Tomlinson,
Farrow,	Moore,	F. Williams,
Foreman,	Munroe,	Withers,
Gee,	Murchison,	Young.
Grandy,	Paine,	

Those who voted in the negative, were

Messrs.

J. Barnes,	Graves,	Morrow,
Barringer,	Guyther,	McClenehan,
Beall,	Hill,	McCullum,
Brannock,	Holland,	McLaughlin,
Brower,	Howerton,	McLaurin,
Brummell,	Holt,	McMillan,
Bryan,	Huggins,	Neal,
G. W. Caldwell,	Hyman,	Patton,
Chambers,	Jacobs,	Patterson,
J. W. Covington,	J. B. Jones,	Proctor,
J. M. Covington,	C. Jones,	Siler,
Doak,	Keener,	Wadsworth,
Ennett,	King,	L. Walker,
Fleming,	Mangum,	J. Walker,
Franklin,	Mendenhall,	Whitehurst,
J. R. Gilliam,	E. P. Miller,	J. O'K. Williams,
D. A. Graham,	W. J. T. Miller,	Wilson.
J. Graham,	Morris,	

The bill relating to vagrants was read the third time, passed, and ordered to be engrossed.

Mr. Mendenhall offered a bill to improve the State Roads from Reddies River, to the Tennessee line, by way of Jefferson, in Ashe county; which was read the first time and passed.

A message from the Senate, informing that Messrs. Mitchell and Orr form their branch of the committee on enrolled bills the present week.

The Speaker appointed Messrs. J. Barnes, G. W. Caldwell, Pope, Fleming and Lilly to complete the select committee raised this day on the resolution of Mr. J. Barnes relating to the funds under the direction of the boards of Internal Improvement and Literary Fund.

Mr. Smith called up for consideration the bill to amend and act entitled an act to prevent the obstruction of fish passing up Roanoke and Cashie rivers and their waters.

Mr. Spruill moved to amend the bill by inserting after the words Cashie rivers and its waters, the words Albemarle Sound and its waters. The question on this amendment, was decided in the negative—yeas 33, nays 74.—The yeas and nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

Messrs:

Bannerman,	Gee,	W. J. T. Miller,
J. Barnes,	Gray,	Neal,
E. Barnes,	Guyther,	Patterson;
Biggs,	Herring,	Pope,
Boyd,	Holland,	Powell,
Boyden,	Jacobs,	Spruill,
Brogden,	Jefferson,	Sullivan,
Brower,	Joiner,	F. Taylor,
Bryan,	R. Jones,	L. Walker,
Clegg,	I. W. Lane,	J. Walker,
Dickson,	E. P. Miller,	Ziglar.

Those who voted in the negative, were

Messrs.

Adams,	Hill,	McLaurin;
Allen,	Holt,	McMillan,
Barringer,	Huggins,	Paine,
Beall,	Hyman,	Patton,
Brannock,	H. C. Jones,	Pemberton;
Brummell,	C. Jones,	Poindexter;
Burns,	J. B. Jones,	Proctor,
J. P. Caldwell,	Keener,	Ragan,
G. W. Caldwell,	Kerr,	Rand,
Cardwell,	King,	Reid,
Carson,	W. B. Lane;	Robards,
J. M. Covington,	Lilly,	Russell,
J. W. Covington,	Mangum,	Siler,
Doak,	Massey,	Smith,
Eaton,	Mendenhall;	Stallings,
Ennett,	J. T. Miller,	Thompson;
Farrow,	Mills,	Tomlinson,
Fleming,	Monday,	Wadsworth;
Foreman,	Morrow,	Whitehurst,
Franklin,	Morris,	J. O'K. Williams,
D. A. Graham,	Munroe,	F. Williams,

J. Graham,	Murchison,	Wilson,
Grandy,	McClenahan,	Withers,
Guthrie,	McCollum,	Young.
Hawkins,	McLaughlin,	

Ordered, on motion of Mr. Biggs, that the said bill be postponed indefinitely.

The engrossed bill concerning the collection of fines and costs from free negroes and free persons of color, was read the third time. Mr. Guyther moved that the further consideration of the bill be postponed indefinitely.—The question thereon was decided in the negative—yeas 16, nays 89. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Boyden,	Mendenhall,	Poindexter,
J. P. Caldwell,	E. P. Miller,	Whitehurst,
Fleming,	Munroe,	J. O'K. Williams,
Guthrie,	Patton,	F. Williams,
H. C. Jones,	Pemberton,	Winston.
W. B. Lane,		

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Morrow,
Allen,	Graves,	Murchison,
Banuerman,	Gray,	McClenahan,
J. Barnes,	Guyther,	McCollum,
E. Barnes,	Hawkins,	McLaughlin,
Barringer,	Herring,	McLaurin,
Beall,	Hill,	McMilian,
Biggs,	Holland,	Neal,
Boyd,	Holt,	Paine,
Brannock,	Huggins,	Patterson,
Brogden,	Hyman,	Pope,
Brower,	Jacobs,	Powell,
Brummell,	Jefferson,	Proctor,
Bryan,	Joiner,	Ragan,
Burns,	J. B. Jones,	Rand,
G. W. Caldwell,	C. Jones,	Reid,
Cardwell,	R. Jones,	Robards,

Carson,	Keener,	Russell,
Clegg,	Kerr,	Spruill,
J. M. Covington,	Killian,	Stallings,
J. W. Covington,	King,	F. Taylor,
Doak,	I. W. Lane,	Thompson,
Eaton,	Lilly,	Tomlinson,
Ennett,	Mangum,	Wadsworth,
Farrow,	Massey,	L. Walker,
Foreman,	J. T. Miller,	J. Walker,
Franklin,	W. J. T. Miller,	Wilson,
Gee,	Mills,	Young,
D. A. Graham,	Monday,	Ziglar.
J. Graham,	Morris,	

The question shall said bill pass the third reading? was determined in the affirmative.

Ordered, that said bill be enrolled.

Mr. H. C. Jones submitted the following Protest in behalf of himself and the co-signors, viz:

The undersigned submit the following as their protest to the amendment offered by the Committee on Private Bills to the bill to incorporate Little River Manufacturing Company, which said amendment was adopted by the House, (the undersigned voting in the minority.)

The view which we have taken of corporations as instruments applied to effect great public works, or to aid and assist private enterprise, leads us to the conclusion that a distinction may well be drawn between such corporation as the public by common consent requires, and such as only have a tendency to benefit the country by increasing individual wealth, and thereby augmenting, to a limited degree the resources of the State. In both, it is true private capital must be tempted to leave its present employment, but in the former, as a larger amount is required, the temptation usually must be greater than in the latter. This circumstance, united with a higher public demand for the corporation, introduces a very proper distinction between the privileges granted to different kinds of chartered companies. Every corporation involves the idea of additional privileges, but it is deceptive to affirm that every additional privilege is *exclusive*, when it is so much a matter of course as with us to grant corporate privileges to every association of men which desires them, in order to pursue any branch of industry; and where the existence of a company furnishes no rea-

son to withhold the like privileges from a rival company.—The corporate privileges granted, can, in no view, be said to be exclusive.

Nothing but a sense of the public interest, which is always paramount to private indulgences, ought to confer an exclusive privilege on a company. And nothing but a sense of the same public interest ought ever to exclude another company from participating in similar privileges. The illustration is easy and familiar. The welfare of the State depends essentially on the quantity of its currency. The quantity of the currency depends upon the amount of bank capital employed. The State must therefore regulate the amount.

Now, if the State, after settling the amount of capital necessary for the purposes of currency, deem it good policy to invite individuals to take it, as a matter of course she must refuse to allow its extension when asked, upon the mere ground that other individuals also desire to invest their capital in like manner.

Corporations are mere creatures of legislative policy, and should always be designed to effect some public good. Not unfrequently, however, when they are applied for, the enquiry of public good, is satisfied by the conviction that they will do no harm; so that, to some extent, they have become instruments to effect purposes as purely private as the cultivation of a farm, or the trade of merchandize. This consideration we believe to be authority, for the opinion that the separate property of the corporators should be bound for the debts of the corporations—an opinion which, if it was well founded in respect to corporations of such private character, would be ill applicable to corporations whose success vitally affects the public welfare. Where, from experience, the profitableness of any particular pursuit of industry is well established, capitalists will venture without fear. But in such, this extended liability is the less necessary; for, in proportion, as the hazard of capital is small, so will be the hazard to the creditors of the corporations thus engaged.—In all those pursuits, as to which experience may not have solved the question of profit, capitalists, except in times of mad speculation, are very wary and distrustful; the hope of gain may tempt some to the enterprize, but the fear of loss will warn more against the doubtful experiment; and few will venture where their entire fortune is made by law to depend upon a chance as uncertain in its issue as is the stake of a gamester upon the throw of his dice. As to cor-

porations, whose pursuit is for the most part profitable, and whose failure may generally be traced to mismanagement, it would be cruel to visit their culpability, on those who, by the very constitution of the artificial creature are excluded from controlling its action; whose position as mere members affords them little more opportunity to know their situation than is afforded to the world at large. Shall, then, such corporations exist without responsibility somewhere? Such tolerance would, in many cases, be equally cruel to the creditor.

To strike that mean which on the one hand secures the creditor from imposition, and on the other does not drive capital from the field of enterprize, which protects the innocent creditor as well as the innocent corporation, is a desideratum which liberal institutions like ours are in continual search of. The very nature of a corporation requires that its function should be performed by a few, and its transactions are, for the most part, withdrawn from the scrutiny of many of its members. This circumstance, if no other existed, would restrain men from venturing their whole estate, while they might be well disposed to risk a part of it.

To bind the separate property of the corporators to an unlimited extent for corporate debts, involves the hazard of utter bankruptcy. If these remarks are true of corporations engaged in business, which is usually productive of profit, how self-evident do they become when applied to companies which undertake untried enterprizes. The profits of capital must depend on the skill with which labor is directed—and experience is the great producer of skill. The skill required is not unfrequently the dear bought lesson of many disappointments and failures: if these disasters should be attended with the danger of utter poverty, men of moderate fortunes would seldom invest a farthing, and the spirit of enterprize, checked where it is most commonly found, would languish altogether, or be indulged (where only it could be safely indulged) by the overgrown wealth of rich capitalists. Few men may every where be found who are willing to risk the tenth part of their estate in an enterprize where no one of them would risk his all. If this be granted, the important enquiry arises, is it promotive of the public welfare that associations of men should be encouraged by the grant of corporate powers and immunities?

The answer to this question must depend on the character of the pursuit in which such corporations are engaged; if their tendency is to improve the face of the country, to facili-

tate commercial and agricultural exchanges, to develop its resources, to impel its industry, to increase the production of the raw material or to manufacture it; the answer is already given.

Although the whole State is much interested in this question, yet the *western* part is peculiarly so. Remote from navigable waters, and thereby obstructed in the procurement of articles of prime necessity, which are manufactured abroad, self-interest and the presence of abundant water power and raw material serve but to double the stimulus. The natural fruit of the peculiar position of the western half of the State, is already disclosing itself in factories for the fabrication of yarn and cloth; while the local riches of its mines are becoming daily the subjects of attention and industrious enterprise, through the operations of combined capital, united under the advantages of corporate powers. But capital is scarce; and where it exists, it is found in small quantities, and disseminated among many. Our policy is, to collect it and give it an useful direction. In this way, the moderate and equal fortunes of republican citizens are made sufficient to accomplish the greatest and most desirable objects—able to compete in power with the largest individual wealth—and thus to free the country from its monopolizing tendency and domineering influences. Corporations are emphatically the offspring of liberal government, and the handmaids of the arts, the sciences and civilization. It is a remarkable fact, and worthy of *our* consideration, at least, that the first use of a corporation was, to protect the weak and indigent from the oppressions of power and wealth. By the most intelligent foreigners, astonished at the gigantic stride which has distinguished our march as a nation, corporations are regarded as the powerful instruments with which a democratic people of small individual fortunes, have accomplished what elsewhere required the accumulated wealth of centuries and all the patronage of wealth and honor to effect. M. De Toqueville, the most distinguished foreign observer of our institutions, has lately given to the world the result of his reflections on the interesting subject of corporations. In a work universally popular for its sound philosophy and liberal principles, he speaks as follows:

“I met with several kinds of associations in America, of which I confess I had no previous notion; and I have often admired the extreme skill with which the inhabitants of the United States succeed in proposing a common object to the exertions of a great many men, and in getting them volunta-

rily to pursue it. I have since travelled over England, whence the Americans have taken some of their laws and many of their customs; and it seemed to me that the principle of association was by no means so constantly or adroitly used as in that country. The English often perform great things singly; whereas the Americans form associations for the smallest undertakings. It is evident that the former people consider association as a powerful means of action; but the latter seem to regard it as the only means of action.

"Thus the most democratic country on the face of the earth is that in which men have, in our time, carried to the highest perfection the art of pursuing in common the object of their common desires, and have applied this new science to the greatest number of purposes. Is this the result of accident? Or is there, in reality, any necessary connection between the principle of association and that of equality?

"Aristocratic communities always contain, among a multitude of persons who, by themselves, are powerless, a small number of wealthy and powerful citizens, each of whom can achieve great undertakings single-handed. In aristocratic societies, men do not need to combine, in order to act, because they are strongly held together. Every wealthy and powerful citizen constitutes the head of a permanent and compulsory association, composed of all those who are dependent upon him, or whom he makes subservient to his designs."

These are the sentiments of our own enlightened statesmen, and now the common opinion of the statesmen of Europe, who do not hesitate to declare that corporations are the means by which we have scaled our mountains and controlled our most rapid floods—by which we have built up our cities and peopled our domain. Hitherto corporations have proved themselves to be the benefactors of mankind; and this might seem a strong argument against altering their character in the slightest degree, lest we might injure their acknowledged utility. We do not wish to alter their original character, but to preserve it—to restore it, where it is lost. We are therefore willing to engraft on this bill other provisions which, in our opinion, become necessary, because, as is the case with almost all human institutions designed for the good of the State, they have been, and are capable of being, perverted to effect frauds, and to promote pure speculation, unmixed with any purpose of industry. But, while we would adopt these wholesome restraints, which are calculated to curb vicious propensities and check fraudulent speculation, we would avoid, with much carefulness, the imposition of

such restraints as would expel capital and destroy enterprise.

The following are our reasons, in part, for protesting against the vote by which the amendment offered by the committee on private bills, was adopted: This amendment provides that each corporator shall be bound individually for the corporate debts, to the amount of his stock subscribed.

In the first place, the amendment does not determine what stockholder is to be bound, whether the stockholder, at the time of the contraction of the debt, or the stockholder at the time of suit, or at the rendition of judgment, or at the issuing of execution. Now it is manifest, that no one of these can be selected without great injustice in many cases. Take the first—him who is stockholder at the time of contracting the debt: It may be that, at that time, the corporation was in a flourishing condition, well managed, and the debt may not have been the tythe of its means. The corporator sells out his share, and a year after, through mismanagement which he has no power to prevent, or through the accident of fire or flood, the corporate property is swept away. Is it just that he should be made to answer the debt?

Take the second—the stockholder at the time of suit.—The suit may be pending for a great length of time, during which a *bona fide* transfer of stock may be made. When the Judgment is rendered, through the same causes, the corporation may have become insolvent. Is it just that he should be bound? If it is intended that the amendment shall apply only to the corporator who was a stockholder at the time of the rendition of judgment, or the issuing of execution, then it will be easy for the corporator, who was such at the contraction of the debt, or at the institution of the suit, to avoid liability by assigning his interest to an insolvent man.

But the principle of the amendment is unjust, not only to different corporations, but to individuals of the same corporation. It is unjust to different corporations, because the security provided for creditors is a mere paper security. A, B, and C, are incorporated with the same readiness as D, E, and F. The former may be worth only the capital subscribed; and the latter may be worth thousands besides.

The former may be foreigners; and the latter may be citizens; so that the only risk which the former incur, in fact, is the capital subscribed; while the risk of the latter is double such capital.

It is unjust to individuals of the same corporation, because some may be wealthy and others poor. Corporators cannot select their associates, as partners may; and corporators may

assign their interest without consent; but partners may not.

If then, there be ten corporators of an insolvent institution, with equal stock each, and the deficiency should be fifty per cent., it will rise to one hundred per cent., if half the corporators should be worth only the capital subscribed.

It is clear, then, that with this amendment, there can be no practical equality between different corporations, nor between individuals of the same corporations.

Moreover, whenever such a provision may exist, it will lie in the power of rich corporators to depress the price of stock owned by their less powerful fellows. If they assign to men who are worth nothing but the stock assigned, the hazard of the other corporators is increased in proportion as is diminished the ability of the new corporators to answer their share of insolvences; just as in the case of a copartnership, if the shares were assignable at pleasure the transfer of a wealthy partner to an indigent one would augment the risk of the other partners, by making him, in case of loss, the only real responsible partner.

But the amendment is wrong in another point of view. If its purpose is to follow (except with such priority as an execution ordinarily gives) the property of any corporator, it establishes contrary to the policy of our law, a secret lien, not only unregistered, but unwritten, unproclaimed and unknown.

But this amendment is wrong in a still more interesting point of view. It proposes to avoid a fraud; but it really perpetrates one. It looks but with one eye. It protects one class of creditors; but sacrifices another. In its great zeal to save the creditors of the *corporation*, it overlooks the creditors of the *members* of the corporation.

The debts of the corporation may be, and generally are, unknown, save to the debtor and creditor. The largest portion of the corporator's neighbors are ignorant of his owning stock, even when the corporate property is at hand, and necessarily must be so, if the business of the corporation is managed at a distance. Besides, suits against corporations may be prosecuted to a termination without the knowledge of one-tenth part of its members; much less, therefore, without the knowledge of mere creditors of the individual corporators. Under this amendment, the contractor with the corporation trusts not only to the corporate property, but the property of the individual corporator. The creditors of individual corporators rely almost solely upon their separate estates; for it is a common knowledge that corporate property cannot be ta-

ken to satisfy the personal debts of the members, until after the payment of the corporate obligations. Now, the operation of this amendment is, to give to the corporate creditor, first and before all creditors of members, the corporate fund; and if that be insufficient, to allow him to seize the individual property of the members of the corporation, and to leave the residue, if any, to the creditors of the members. Thus the natural and exclusive fund of the corporate creditor, which is the property of the corporation, is first devoted, without division, to the corporate creditor; and he is then authorized to absorb all the individual property of the members, in exclusion of the creditors of the individuals composing the body. This preference, to our minds, is unjust, impolitic and fraudulent. What are the characteristics that properly belong to every perfect corporation? The fact that it is an artificial body, endowed with all the functions necessary to mere business, at once suggests the idea of a type. Between the individual capitalist, operating with a given sum, and the corporate artificial capitalist, there should be little difference—none, indeed, except what public policy requires. The only essential difference consists in the profits of the investment. With them the individual capitalist enlarges his private fortune, while the corporate capitalist delivers them over to others. The former grows richer, and thereby secures more amply his creditors. The latter remains as it was created, and leaves its creditors to rely on the amount of the original fund.

This difference is demanded by both private interest and public policy. First, because if it were not so, the corporate members could never be benefitted by their investment, and millions of wealth would be then a forbidden treasure. Secondly, because such an accumulation of wealth, indivisible by law, and growing every day for ages, would become dangerous to free institutions, by having all men its debtors, its tenants, or its operatives. Jealousy of overgrown wealth and immense capital, is hardly entertained by those who would forbid the division of the profits of capital, upon the pretence of securing the creditor. Clear then it is that the profits cannot be permitted to accumulate, in a country where every corporation is limited in the amount of its capital, by the fear of a monied aristocracy.

It has already been shown that the general stockholder cannot be pursued in his present estate, without great injustice. What remedy can be safely applied? We would be willing to engraft upon the bill three main and principal restraints,

which, we would remark, do not alter the true and ancient character of corporations; but only to prevent their occasional tendency to throw off that responsibility which good faith requires them now, and always has required them to observe.

The three chief violations of good faith, by chartered companies, are,

First. The stock subscribed is not paid in, as it should be; in consequence of which, the artificial creature begins the world without manhood, weak in strength, and is soon overburdened with debt.

Second. Dividends are declared while its debts exist; and this serves the double purpose of robbing the artificial creature of its only and exclusive resources, and giving to it a false and deceptive credit.

Third. Debts are contracted beyond the amount of the capital, whereby, even if the stock be all paid in, and the profits honestly applied to the expenses of the company, it may still become insolvent. By preventing these violations, the artificial capitalist will present a fair comparison with the natural capitalist. In the first place, then, in companies of the character proposed to be chartered, let all the capital be paid in, and what is not paid be secured by all the stockholders.

In the second place, let no company of such a character declare a dividend, while there is a debt due from it.

In the third place, make the President and Directors responsible for all debts beyond the amount of capital paid in or well secured.

By the first provision, the artificial creature, so far as creditors are concerned, will be of free growth, and of such strength as the Legislature intended to demand, and will commence its career, if not full handed, at least strongly backed.

By the second provision, it will never be robbed of its profits, while they are necessary to fulfil its obligations.

By the third provision, excessive credit will be checked, and the creditor secured from imposition by the personal danger of the impostor.

It will be observed that these provisions, to some extent, and as to some liabilities, involve the simple stockholder; but he is never made responsible, except when he acts in concert with co-stockholders, in violating the faith which the company should keep with the public.

The corporation cannot begin business without the consent of the individual members; and if they will set it a go-

ing before it has acquired the requisite ability, it is but just that they should be surety for that ability. After the corporation is fully organized, it acts by its directory, and as their officers are, in general, the only members particularly conversant of its condition, and as it is their duty to be informed minutely upon the subject of its indebtedness, it is just that they alone should be responsible for any contracts beyond the amount of the capital stock. And, in order to give publicity to the community, where individual stockholders may cease to be personally responsible for the debts of the corporation, a certain mode of information should be provided, of early and easy access to all.

We were therefore ready, with amendments, to meet these various cases; but as, without these, this obnoxious feature has been engrafted, we do hereby most solemnly and earnestly Protest, viz:

HAMILTON C. JONES, of Rowan.

BARTHOLOMEW F. MOORE, of Halifax.

DAVID REID, of Cumberland.

FREDERICK J. HILL, of Brunswick.

GEORGE C. MENDENHALL, of Guilford.

JOSEPH P. CALDWELL, of Iredell.

J. O'K. WILLIAMS, of Beaufort.

ELISHA P. MILLER, of Burke.

JOSEPH KEENER, of Haywood.

I. BURNS, of Rowan.

FRANCIS WILLIAMS, of Davie.

JAMES BRANNOCK, of Guilford.

WILLIAM DOAK, of Guilford.

SPENCE McCLENEHAN, of Chatham.

A. B. McMILLAN, of Ashe.

WEDNESDAY, JAN. 6, 1840.

On motion, leave was granted to Mr. Wilson to withdraw from the files of this House, the petitions presented by him on the subject of fisheries.

Received a message from the Senate, proposing that the report of the joint select committee on that part of

the Governor's message relating to a bank of the United States be printed. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed bill, supplemental to an act entitled an act to lay off and establish a county by the name of Stanly;

And a bill to authorize the making a Turnpike Road from Gatesville, to the Chowan river, and asked the concurrence of this House. The said bills were read the first time and passed, and on motion of Mr. Lilly the bill relating to the county of Stanly, was read the second and third times, passed, and ordered to be enrolled.

Mr. Russell offered the following resolutions; which were read, and on his motion, laid on the table, viz:

Resolved, That the following amendments ought to be made in the Constitution of the United States:

1. No person shall be eligible to the office of President of the United States a second time.

2. Members of the Senate and the House of Representatives shall be incapable of holding any other office under the Government of the United States, or any department thereof, during the time for which they shall have been elected and for two years thereafter.

3. That this General Assembly do hereby instruct our Senators in Congress to use all proper and reasonable means to obtain a ratification of the foregoing amendments in the manner provided by the fifth article of the said Constitution.

Mr. Barringer, from the joint select committee raised upon the subject, reported the bill concerning the Raleigh and Gaston Rail Road Company, with sundry amendments.

Ordered, on motion of Mr. Barringer, that the bill and amendments be laid on the table.

Mr. J. P. Caldwell, from the committee on Military Affairs, to whom was referred the communications from the cavalry officers attached to the sixteenth brigade, made a report, which was read and laid on the table.

On motion, leave of absence from the service of the House from and after this day to the end of the session, was granted to Michael W. Holt.

A message from the Senate, informing that they had passed the engrossed bill for the establishment and better regulation of common schools, and asking the concurrence of this House. The said bill was read the first time and passed. By common consent the said bill was again read the second time. Mr. Boyden moved to amend the bill by striking out from the first section, the words "exclusive of monies arising from swamp lands." The question on this amendment was decided in the negative—yeas 52, nays 58. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.

Barringer,	Graves,	Munroe,
Boyd,	Gray,	Murchison,
Boyden,	Holland,	McCollum,
Brannock,	Jefferson,	McLaughlin,
Brower,	H. C. Jones,	McMillan,
Brummell,	R. Jones,	Neal,
Bryan,	Keener,	Patton,
Burns,	Killian,	Pemberton,
J. P. Caldwell,	King,	Reid,
G. W. Caldwell,	W. B. Lane,	Robards,
Cardwell,	Mangum,	Siler,
Carson,	Massey,	L. Walker,
Chambers,	Mendenhall,	F. Williams,
Clegg,	W. J. T. Miller,	Withers,
J. M. Covington,	Mills,	Young,
Doak,	Monday,	Ziglar.
Franklin,	Morris,	
J. Graham,	Morrow,	

Those who voted in negative, were

Messrs.

Adams,	Guyther,	Patterson,
Allen,	Hawkins,	Pope,
Baker,	Herring,	Powell,
Bannerman,	Hill,	Proctor,
J. Barnes,	Howerton,	Ragan,
E. Barnes,	Huggins,	Rand,
Beall,	Hyman,	Russell,
Biggs,	Jacobs,	Smith,
Brogden,	Joiner,	Spruill,

J. W. Covington,	J. B. Jones,	Stallings,
Dickson,	C. Jones,	F. Taylor,
Eaton,	Kerr,	Thompson,
Ennett,	I. W. Lane,	Tomlinson,
Farrow,	E. P. Miller,	Wadsworth,
Foreman,	J. T. Miller,	J. Walker,
Gee,	Moore,	Whitehurst,
J. R. Gilliam,	McCleese,	J. O'K. Williams,
D. A. Graham,	McClenehan,	Wilson.
Grandy,	McLaurin,	
Guthrie,	Paine,	

Mr. Cardwell moved to strike out of the bill wherever it bears the term "federal population." The question on this motion was decided in the negative—yeas 52, nays 62. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Barringer,	Gray,	McCollum,
Beall,	Holland,	McLaughlin,
Boyd,	Jefferson,	McMillan,
Boyden,	H. C. Jones,	Neal,
Brannock,	C. Jones,	Patton,
Brower,	Keener,	Pemberton,
Brummell,	Killian,	Poindexter,
Bryan,	King,	Siler,
J. P. Caldwell,	W. B. Lane,	L. Walker,
Cardwell,	Lilly,	J. Walker,
Carson,	Mendenhall,	Whitehurst,
Clegg,	E. P. Miller,	F. Williams,
J. M. Covington,	W. J. T. Miller,	Winston,
Doak,	Mills,	Withers,
Fleming,	Monday,	Young,
Franklin,	Morris,	Ziglar.
J. Graham,	Morrow,	
Graves,	Murchison,	

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	Paine,
Allen,	Hawkins,	Patterson,
Baker,	Herring,	Pope,

Bannerman,	Hill,	Powell,
E. Barnes,	Howerton,	Proctor,
J. Barnes,	Huggins,	Ragan,
Biggs,	Hyman,	Rand,
Brogden,	Jacobs,	Reid,
Burns,	Joiner,	Robards,
G. W. Caldwell,	J. B. Jones,	Russell,
J. W. Covington,	R. Jones,	Smith,
Dickson,	Kerr,	Spruill,
Eaton,	I. W. Lane,	Stallings,
Ennett,	Mangum,	F. Taylor,
Farrow,	Massey,	J. W. Taylor,
Foreman,	J. T. Miller,	Thompson,
Gee,	Moore,	Tomlinson,
J. R. Gilliam,	Munroe,	Wadsworth,
D. A. Graham,	McCleese,	J. O'K. Williams,
Grandy,	McClenehan,	Wilson.
Guthrie,	McLaurin,	

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House resumed the consideration of the Senate's School Bill; when, on motion of Mr. Moore, the said bill was laid on the table.

Leave of absence from the service of the House from and after this day for the residue of the session, was granted to Mr. Lilly.

The Speaker laid before the House a letter from S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, containing the information sought by a resolution of this House of the 4th inst., relating to the now resident stockholders in said *Company*.

A message from the Senate, concurring in the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill directing a conveyance of the Commons, adjoining the town of Murphey, to the Chairman of the County Court of Cherokee.

Ordered, That said bill be enrolled.

On motion, the 24th Rule of Order was amended, as heretofore proposed.

According to notice given on the 5th inst., the 31st

Rule of Order was rescinded for the residue of the session.

Mr. Mendenhall introduced a resolution in favor of Edward Benson; which was read the first time and passed.

The engrossed bill to amend the law concerning the fees of coroners; and the engrossed bill to amend the 53d chapter of the Revised Statutes concerning the Governor, were each read the third time and passed, and ordered to be enrolled.

The bill for the better regulation of the County Courts of Cumberland;

The bill to encourage the destruction of Wolves in the county of Haywood;

And the bill to incorporate the Raleigh Mechanic's Association, were each read the third time and passed, and ordered to be engrossed.

Mr. Moore, from the committee raised on banks and Bank suspensions, made a report.

Ordered, on motion of Mr. Winston, that said report and the documents therein referred to, be transmitted to the Senate, with a proposition that they be printed.

The bill to incorporate the Trustees of the Asheville Female Academy, in Buncombe county;

The resolution for distributing the Revised Statutes;

And the resolution in favor of B. and A. Morrison, were each read the third time, passed, and ordered to be engrossed.

The bill concerning deputy sheriffs was read, and on motion of Mr. Moore, postponed indefinitely.

The bill to divide the militia of Ashe county into three regiments, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to give the county of Cherokee a Superior Court of Law and Equity, was read the third time, passed, and ordered to be enrolled.

The engrossed bill to amend an act in the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read, and on motion of Mr. Spruill, postponed indefinitely.

The bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate and for other purposes, was read the second time and passed.

The bill to incorporate the stockholders of the boarding house of the Asheville Female Academy;

The bill to appoint commissioners for the town of Kenansville, in the county of Duplin;

And a resolution in favor of John J. Briggs, were each read the second time and passed.

The bill concerning the Superior Court for Hyde county was read the second time, amended, on the motion of Mr. Spruill, and Mr. H. C. Jones, and passed.

The engrossed bill to incorporate a Light Artillery Company in the town of Newbern, was read the second time and passed.

The resolution in favor of George Little; and the bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes, were each read the second time and passed.

The bill to amend the 58th chapter Revised Statutes, entitled insolvent debtors, was read the second time and passed.

The bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the county of Buncombe, was read the second time.

Mr. Morris moved that said bill be postponed indefinitely. The question thereon was decided in the negative.

On motion of Mr. Fleming, the bill was amended, by adding a proviso exempting from the operations of the bill the citizens of Yancey county.

The question shall the said bill pass the second reading as amended? was decided in the affirmative—yeas 68, nays 36. The yeas and nays demanded by Mr. Morris.

Those who voted in the affirmative, were

Messrs.

Allen,
Barringer,
Beall,
Biggs,
Boyden,
Brannock,
Brower,
Bryan,
Burns,
J. P. Caldwell,
Carson,

Graves,
Gray,
Guthrie,
Hawkins,
Hill,
Howerton,
Huggins,
Hyman,
Jacobs,
Joiner,
H. C. Jones,

Paine,
Patterson,
Pemberton,
Pope,
Proctor,
Reid,
Robards,
Russell,
Siler,
Smith,
Spruill,

Clegg,	R. Jones,	J. W. Taylor,
J. W. Covington,	Keener,	F. Taylor,
J. M. Covington,	King,	Thompson,
Doak,	Mendenhall,	Wadsworth,
Eaton,	E. P. Miller,	L. Walker,
Foreman,	J. T. Miller,	Whitehurst,
Franklin,	Mills,	J. O'K. Williams,
Gee,	Murchison,	F. Williams,
J. R. Gilliam,	McCleese,	Withers,
D. A. Graham,	McClenehan,	Young,
J. Graham,	McLaughlin,	Ziglar.
Grandy,	McMillan,	

Those who voted in the negative, were

Messrs.

Adams,	Farrow,	Monday,
Baker,	Fleming,	Morris,
Bannerman,	Guyther,	Morrow,
J. Barnes,	Herring,	Munroe,
E. Barnes,	Holland,	McCullum,
Boyd,	Jefferson,	McLagrin,
Brogden,	J. B. Jones,	Ragan,
G. W. Caldwell,	Kerr,	Rand,
Cardwell,	Killian,	Stallings,
Chambers,	I. W. Lane,	Tomlinson,
Dickson,	Mangum,	Wilson,
Ennett,	Massey,	J. Walker.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JAN. 7, 1841.

A message from the Senate, concurring in the amendment to the bill giving to the county of Henderson a Superior Court of Law and Court of Equity.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed resolutions in favor of George E. Badger and David L. Swain, and asking the concurrence

of this House. The said resolutions were read the first time and passed.

A message from the Senate, concurring in the proposition of this House to print the report of the Joint Select Committee on the state and condition of the Banks and the accompanying documents.

Mr. J. P. Caldwell, from the Committee on Propositions and Grievances, reported unfavorably on the bill to alter the rate of pilotage over Ocracoke Bar and Swashes; when, on motion of Mr. J. B. Jones, the said bill was postponed indefinitely.

Mr. Reid, from the Joint Select Committee raised on the subject, reported certain resolutions for repairing the Governor's residence and for additional furniture; which were read the first time and passed.

The bill to alter the times of holding the Court of Pleas and Quarter Sessions in the county of Carteret, was read the second time, amended, on motion of Mr. Whitehurst, and passed.

The bill concerning public bridges, was read the second time and rejected.

The engrossed bill to alter the time of holding the County Court of Lincoln, was read the second and third times, passed, and ordered to be enrolled.

The bill altering the mode of drawing jurors for the Superior Courts of Rutherford county;

The bill to incorporate the Greensborough Guards, in the county of Guilford;

And the bill to protect the interest of lessors, were each read the second time and passed.

The bill for the establishment and regulation of Common Schools was read, and on motion of Mr. Hill, laid on the table.

Mr. Barringer called up for consideration the bill concerning the Raleigh and Gaston Rail Road Company.

Mr. G. W. Caldwell moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 49, nays 61. The yeas and nays demanded by Mr. G. W. Caldwell.

Those who voted in the affirmative, were

Messrs.

Adams,
Allen,

Guyther,
Herring,

Pope,
Powell,

Baker,	Holland,	Ragan,
Bannerman,	Huggins,	Reid,
J. Barnes,	Hyman,	Smith,
E. Barnes,	Jacobs,	Stallings,
Biggs,	Joiner,	J. W. Taylor,
Boyd,	J. B. Jones,	F. Taylor,
Brogden,	Kerr,	Thompson,
G. W. Caldwell,	Killian,	Tomlinson,
Cardwell,	L. W. Lane,	Wadsworth,
Dickson,	J. T. Miller,	J. Walker,
Ennett,	Monday,	L. Walker,
Farrow,	Morrow,	J. O'K. Williams,
Foreman,	Munroe,	Ziglar.
Gee,	McCleese,	
Graves,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Barringer,	Grandy,	Murchison,
Beall,	Gray,	McClenehan,
Boydén,	Guthrie,	McCullum,
Brannock,	Hawkins,	McLaurin,
Brower,	Hill,	McMillan,
Brummell,	Howerton,	Neal,
Bryan,	Jefferson,	Paine,
Burns,	H. C. Jones,	Patton,
J. P. Caldwell,	C. Jones,	Proctor,
Carson,	R. Jones,	Rand,
Chambers,	Keener,	Robards,
Clegg,	King,	Russell,
J. M. Covington,	W. B. Lane,	Siler,
J. W. Covington,	Mangum,	Whitehurst,
Doak,	Massey,	F. Williams,
Eaton,	Mendenhall,	Winston,
Fleming,	E. P. Miller,	Wilson,
Franklin,	W. J. T. Miller,	Withers,
J. R. Gilliam,	Mills,	Young.
D. A. Graham,	Moore,	
J. Graham,	Morris,	

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House resumed the consideration of the subject in which it was last engaged, being the bill concerning the Raleigh and Gaston Rail Road Company, when on motion of Mr. Moore, the said bill was laid on the table.

On motion, leave of absence from the service of the House was granted to G. W. Caldwell, from and after tomorrow for the residue of the session.

A message from the Senate, informing that they had passed the bill to authorise the laying off and establishing a Turnpike Road from Laxton Lynch's in Rutherford county, to the widow Sails's in Buncombe county, with sundry amendments, and asking the concurrence of this House. The amendments were read and concurred in.

The bill to provide for the election of certain militia officers, was read the second and third times, passed, and ordered to be engrossed.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read the second time, amended on Mr. Reid's motion, and passed.

The engrossed bill to incorporate the Concord Manufacturing Company, was read the second time, and amended on motion of Mr. Barringer, and passed.

On motion of Mr. Barringer, the said bill was again read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill to repeal in part an act, entitled an act concerning Bills, Bonds and Promissory Notes. Said bill was read the second time and passed.

The bill in regard to the duties of Public Registers in this State, was read the second time and passed.

The bill to authorise the construction of the Fayetteville and Salisbury Turnpike Road, was read the second time and amended, on motion of Mr. Brummell.

The said bill was further amended on Mr. Reid's motion, by adding to the third section the following proviso:

"Provided further, That the amount of fifty thousand dollars of the capital stock of said road be subscribed by individuals."

The question shall the said bill pass the second time as amended? was decided in the negative—yeas 40, nays 63.

Those who voted in the affirmative, were
Messrs.

Barringer,	D. A. Graham,	McClenehan,
Beall,	J. Graham,	McLaughlin,
Boyden,	Gray,	McLaurin,
Brower,	Guthrie,	McMillan,
Brummell,	Jefferson,	Neal,
Bryan,	Joiner,	Paine,
Burns,	H. C. Jones,	Pemberton,
J. P. Caldwell,	Keener,	Proctor,
Carson,	W. B. Lane,	Reid,
J. W. Covington,	E. P. Miller,	Whitehurst,
J. M. Covington,	W. J. T. Miller,	F. Williams,
Farrow,	Munroe,	Withers,
Fleming,	Murchison,	Young.
Franklin,		

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	Patton,
Allen,	Herring,	Patterson,
Baker,	Holland,	Pope,
Bannerman,	Howerton,	Powell,
J. Barnes,	Huggins,	Ragan,
E. Barnes,	Hyman,	Rand,
Biggs,	Jacobs,	Russell,
Boyd,	J. B. Jones,	Siler,
Brannock,	C. Jones,	Smith,
Biogden,	R. Jones,	Spruill,
G. W. Caldwell,	Kerr,	Stallings,
Cardwell,	Killian,	J. W. Taylor,
Chambers,	I. W. Lane,	F. Taylor,
Clegg,	Mangum,	Thompson,
Dickson,	Massey,	Tomlinson,
Doak,	Mills,	Wadsworth,]
Ennett,	Moore,	J. Walker,
Foreman,	Morris,	L. Walker,
Gee,	Morrow,	J. O'K. Williams,
Grandy,	McCleese,	Wilson,
Graves,	McCollum,	Ziglar.

The bill to incorporate the town of Asheville, was read the second time and passed.

Mr. C. Jones presented sundry memorials from citizens of Orange county, against the division of said county.— Said memorials were, on motion of Mr. C. Jones, laid on the table.

On motion of Mr. F. Taylor,

Resolved, That the Secretary of State be directed to take charge of the Maps belonging to the Legislature, until the next session of the General Assembly.

Received a message from the Senate, proposing that the two Houses of this Legislature adjourn *sine die* on Monday next, the 11th inst.

Mr. Spruill moved that said message lie on the table. The question thereon was decided in the negative—yeas 23, nays 84. The yeas and nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs.

Bryan,	Keener,	Pope,
Burns,	Mendenhall,	Rand,
D. A. Graham,	Mills,	Smith,
Guthrie,	Moore,	Spruill,
Hill,	Murchison,	Whitehurst,
Jacobs,	McClenehan,	F. Williams,
Jefferson,	Paine,	Winston.
H. C. Jones,	Patterson,	

Those who voted in the negative, were

MESSRS.

Adams,	Franklin,	Munroe,
Baker,	Gee,	McCleese,
Bannerman,	J. Graham,	McCollum,
E. Barnes,	Grandy,	McLaughlin,
J. Barnes,	Graves,	McLaurin,
Barringer,	Gray,	McMillan,
Beall,	Guyther,	Neal,
Biggs,	Hawkins,	Patton,
Boyd,	Herring,	Pemberton,
Boyden,	Holland,	Powell,
Brannock,	Howerton,	Proctor,
Brogden,	Huggins,	Ragan,

Brower,	Hyman,	Reid,
Bruentnell,	Joiner,	Russell,
J. P. Caldwell,	J. B. Jones,	Siler,
G. W. Caldwell,	C. Jones,	Stallings,
Cardwell,	R. Jones,	J. W. Taylor,
Carson,	Kerr,	F. Taylor,
Chambers,	Killian,	Thompson,
Clegg,	W. B. Lane,	Tomlinson,
J. W. Covington,	I. W. Lane,	Wadsworth,
J. M. Covington,	Mangum,	J. Walker,
Dickson,	E. P. Miller,	L. Walker,
Doak,	J. T. Miller,	J. O'K. Williams,
Ennett,	W. J. T. Miller,	Wilson,
Farrow,	Monday,	Withers,
Fleming,	Morris,	Young,
Foreman,	Morrow,	Ziglar.

Mr. Guthrie moved to strike out Monday, the 11th inst., and insert Saturday the 9th inst. The question on this motion was decided in the negative. The question will this House concur in the proposition of the Senate, was decided in the affirmative.

The bill to repeal a part of the 18th section of the revised statutes, entitled an act concerning the Supreme Court, was read the second time, and amended. Mr. Rand moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 36, nays 67. The yeas and nays demanded by Mr. Massey.

Those who voted in the affirmative, were

Messrs.

Adams,	Dickson,	Monday,
Baker,	Ennett,	Morrow,
Bannerman,	Hawkins,	Munroe,
J. Barnes,	Herring,	Neal,
E. Barnes,	Holland,	Powell,
Boyd,	C. Jones,	Ragan,
Brogden,	R. Jones,	Rand,
Burns,	Kerr,	Reid,
G. W. Caldwell,	Killain,	Stallings,
Cardwell,	I. W. Lane,	Tomlinson,
Chambers,	Mangum,	J. Walker,
J. W. Covington,	Massey,	Wilson.

Those who voted in the negative, were

Messrs.

Allen,	Guyther,	McMillan,
Barringer,	Hill,	Paine,
Beall,	Howerton,	Patton,
Biggs,	Huggins,	Patterson,
Boyden,	Hyman,	Pemberton,
Brannock,	Jacobs,	Proctor,
Brower,	Jefferson,	Russell,
Brummell,	Joiner,	Siler,
Bryan,	H. C. Jones,	Smith,
J. P. Caldwell,	Keener,	Spruill,
Carson,	W. B. Lane,	J. W. Taylor,
Clegg,	Mendenhall,	Thompson,
J. M. Covington,	E. P. Miller,	Wadsworth,
Doak,	J. T. Miller,	L. Walker,
Farrow,	W. J. T. Miller,	Whitehurst,
Foreman,	Mills,	J. O'K. Williams,
Franklin,	Moore,	F. Williams,
Gee,	Morris,	Winston,
D. A. Graham,	Murchison,	Withers,
J. Graham,	McCleese,	Young,
Grandy,	McCollum,	Ziglar.
Gray,	McLaughlin,	
Graves,	McLaurin,	

The question shall the said bill pass the second reading, as amended, was decided in the affirmative.

The bill supplemental to an act entitled an act concerning the draining of low lands, was read the second time and passed.

The resolution in favor of Edward Benson was read the second and third time, passed, and ordered to be engrossed.

The engrossed bill to amend an act passed at the last General Assembly, entitled an act to prevent obstructing the passage of fish up Pedee and Main Yadkin Rivers, was read the second and third time, passed and ordered to be enrolled.

The bill altering the mode of drawing jurors for the Superior Courts of Rutherford county;

The bill to alter the time of holding the Superior Court of Law and Equity and the Court of Pleas and Quarter Sessions for the county of Carteret;

The bill to amend the 88th chapter of the Revised Statutes, entitled insolvent debtors;

The bill to enable the Commissioners of Raleigh to appoint Trustees of the Rex Hospital Fund, and to erect such Trustees into a body corporate, and for other purposes;

The bill to incorporate the stockholders of the boarding house of the Asheville Female Academy;

The bill to appoint commissioners for the town of Kenansville, in the county of Duplin;

The bill concerning the Superior Court of the counties of Hyde, Northampton and Davie;

The bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company, and for other purposes;

The bill to repeal an act entitled an act to repeal in part the 13th section of an act passed in 1824, authorizing the making a Turnpike Road in the county of Buncombe;

The bill to incorporate the town of Asheville;

The resolution in favor of George Little;

And the resolution in favor of John J. Briggs, were each read the third time, passed, and ordered to be engrossed.

The engrossed bill to repeal in part an act entitled an act concerning bills, bonds and promissory notes;

The engrossed bill to protect the interest of lessors;

The bill to incorporate a light artillery Company in the town of Newbern;

And the engrossed bill to incorporate the Greensboro' Guards, in the county of Guilford, were each read the third time, passed, and ordered to be enrolled.

The bill to incorporate Cross Creek Manufacturing Company, in the county of Cumberland, was read the third time, passed, and ordered to be engrossed.

The resolution to pay for surveys for the Fayetteville and Western Rail Road Company, was read, and on motion of Mr. Guyther, indefinitely postponed—yeas 90, nays 15. The yeas and nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were

Messrs.

Adams,
Baker,
J. Barnes,

Graves,
Grandy,
Gray,

McCleese,
McCollum,
McLaughlin,

E. Barnes,	Guthrie,	Neal,
Barringer,	Guyther,	Patton,
Beall,	Hawkins,	Patterson,
Biggs,	Herring,	Pemberton,
Boyd,	Holland,	Pope,
Boyden,	Howerton,	Powell,
Brannock,	Huggins,	Proctor,
Brogden,	Hyman,	Rand,
Brower,	Jacobs,	Robards,
Bryan,	Jefferson,	Russell,
Burns,	Joiner,	Smith,
J. P. Caldwell,	J. B. Jones,	Spruill,
G. W. Caldwell,	C. Jones,	Stallings,
Cardwell,	R. Jones,	J. W. Taylor,
Carson,	Keener,	F. Taylor,
Chambers,	Kerr,	Thompson,
Clegg,	King,	Tomlinson,
J. M. Covington,	I. W. Lane,	Wadsworth,
J. W. Covington,	Lilly,	L. Walker,
Dickson,	Mangum,	J. Walker,
Doak,	Massey,	J. O'K. Williams,
Ennett,	E. P. Miller,	F. Williams,
Farrow,	J. T. Miller,	Wilson,
Fleming,	Mills,	Winston,
Foreman,	Monday,	Withers,
Franklin,	Morris,	Young,
Gee,	Morrow,	Ziglar.
J. Graham,		

Those who voted in the negative, were

Messrs.

Allen,	Mendenhall,	McMillan,
Brummell,	Munroe,	Paine,
D. A. Graham,	Murchison,	Ragan,
Killian,	McClenehan,	Reid,
W. B. Lane,	McLaurin,	Whitehurst.

The bill to alter the time of holding the Superior Court of Law and Equity for the counties of Cabarrus and Mecklenburg, was read the second and third time, passed, and ordered to be engrossed.

The bill in regard to the duties of Public Registers of this State was read, and on motion of Mr. Stallings, postponed indefinitely.

Mr. Barringer, from the Committee on Internal Improvements, to whom was referred a resolution and sundry memorials on the subject of opening and improving the navigation of Lumber River, reported that it is not expedient to make the proposed improvements at this time. The report was concurred in.

The engrossed resolution concerning Lumber River was read the second time. Mr. Biggs moved that the said resolution be postponed indefinitely. The question thereon was determined in the negative—yeas 41, nays 65. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.

Adams,	Graves,	Pope,
Baker,	Hawkins,	Rand,
J. Barnes,	Holland,	Russell,
E. Barnes,	Huggins,	Smith,
Biggs,	J. B. Jones,	Stallings,
Boyd,	C. Jones,	J. W. Taylor,
Brogden,	R. Jones,	F. Taylor,
G. W. Caldwell,	Kerr,	Thompson,
Cardwell,	I. W. Lane,	Tomlinson,
Dickson,	Mangum,	Wadsworth,
Ennett,	Massey,	L. Walker,
Farrow,	Morrow,	J. Walker,
Foreman,	McCleese,	Ziglar.
Grandy,	Patterson,	

Those who voted in the negative, were

Messrs.

Allen,	Guyther,	McLaughlin,
Bannerman,	Herring,	McLaurin,
Barringer,	Hill,	McMillan,
Beall,	Howerton,	Neal,
Boyd,	Hyman,	Paine,
Brannock,	Jacobs,	Patton,
Brower,	Jefferson,	Pemberton,
Brummell,	Joiner,	Powell,
Bryan,	Keener,	Proctor,
Burns,	Killian,	Ragan,
J. P. Caldwell,	King,	Reid,
Carson,	Mendenhall,	Robards,

Clegg,	E. P. Miller,	Siler,
J. W. Covington,	J. T. Miller,	Spruill,
J. M. Covington,	W. J. T. Miller,	Whitehurst,
Doak,	Mills,	J. O'K. Williams,
Fleuning,	Monday,	F. Williams,
Franklin,	Morris,	Winston,
D. A. Graham,	Munroe,	Wilson,
J. Graham,	Murchison,	Withers,
Gray,	McClenehan,	Young.
Guthrie,	McCollum,	

The question shall the said resolution pass the second reading, was decided in the negative—yeas 49—nays 54. The yeas and nays demanded by Mr. Massey.

Those who voted in the affirmative, were

Messrs.

Barringer,	Guthrie,	McMillan,
Beall,	Hill,	Neal,
Boyden,	Jefferson,	Paine,
Brannock,	Keener,	Patton,
Brower,	Killian,	Pemberton,
Brummell,	W. B. Lane,	Powell,
Bryan,	Mendenhall,	Proctor,
Burns,	E. P. Miller,	Ragan,
J. P. Caldwell,	J. T. Miller,	Robards,
Carson,	Mills,	Siler,
Clegg,	Morris,	Whitehurst,
J. M. Covington,	Munroe,	J. O'K. Williams,
J. W. Covington,	Murchison,	F. Williams,
Doak,	McClenehan,	Winston,
Franklin,	McCollum,	Young.
D. A. Graham,	McLaughlin,	
Gray,	McLaurin,	

Those who voted in the negative, were

Messrs.

Allen,	Herring,	Patterson,
Adams,	Holland,	Pope,
Baker,	Howerton,	Rand,
J. Barnes,	Huggins,	Reid,
E. Barnes,	Hyman,	Russell,
Biggs,	Jacobs,	Smith,

Boyd,	Joiner,	Spruill,
Brogden,	J. B. Jones,	Stallings,
Cardwell,	C. Jones,	J. W. Taylor,
Dickson,	R. Jones,	F. Taylor,
Ennett,	Kerr,	Thompson,
Farrow,	King,	Tomlinson,
Foreman,	I. W. Lane,	Wadsworth,
Gee,	Mangum,	L. Walker,
Grandy,	Massey,	J. Walker,
Graves,	Monday,	Wilson,
Guyther,	Morrow,	Withers,
Hawkins,	McCleese,	Ziglar.

The House then adjourned until to-morrow morning.
ten o'clock.

FRIDAY, JAN. 8, 1841.

Mr. J. Barnes, from the select committee, made the following report:

"The committee, to whom was referred a resolution instructing them to inquire into loans made by the Internal Improvement and Literary Board, and into the solvency of the borrowers, have made the enquiry; and report that they have examined the bonds alluded to, and find that there is loaned from the Literary Funds the sum of \$140,000, to the Raleigh and Gaston Rail Road. Upon bonds guaranteed by the State to the Wilmington and Raleigh Rail Road, the sum of \$85,000, which your committee are informed is secured by a mortgage on the road. To individuals the sum of \$154,587 50-100. From the Internal Improvement fund to individuals, the sum of \$30,738 30-100. The loans to individuals are secured by personal securities. Your committee are entirely unacquainted with a large portion of the debtors; but from the representations of the public officers, they have no reason to doubt their solvency. As the resolution annexed to the one referred to your committee, instructs the Public Treasurer to report the names of the several debtors, and the amount due from each, your committee did not consider it their duty, and therefore have taken no list

thereof; and your committee ask to be discharged from the further consideration of the subject.

JOSHUA BARNES, Chairman."

The report was, on motion of Mr. Wilson, laid on the table.

The Speaker laid before the House a communication from the Public Treasurer, in answer to the call of the House, referred to in the preceding report. The communication was read and laid on the table.

Mr. Poindexter, from the Committee on Claims, reported without amendment the resolution to pay certain contingent expenses of the General Assembly; when said resolution was read the second time and passed.

On motion of Mr. McClenehan, the House took up for consideration, the bill relative to the Raleigh and Gaston Rail Road Company. The question being on the adoption of the amendment proposed by the select committee, was decided in the negative—yeas 19, nays 91. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Barringer,	H. C. Jones,	Paine,
Brannock,	Keener,	Rand,
Doak,	Mendenhall,	Robards,
Graves,	Murchison,	L. Walker,
Guthrie,	McClenehan,	Whitehurst.
Hill,	McMillan,	
Howerton,	Neal,	

Those who voted in the negative, were

Messrs.

Adams,	J. Graham,	McCleese,
Allen,	Grandy,	McCo'lum,
Baker,	Gray,	McLaughlin,
Bannerman,	Guyther,	McLaurin,
J. Barnes,	Hawkins,	Patton,
E. Barnes,	Herring,	Patterson,
Beall,	Holland,	Pemberton,
Biggs,	Huggins,	Poindexter,
Boyd,	Hyman,	Pope,

Boyden,	Jacobs,	Pcwell,
Brogden,	Jefferson,	Proctor,
Brower,	Joiner,	Ragan,
Brummell,	J. B. Jones,	Reid,
Bryan,	C. Jones,	Russell,
Burns,	R. Jones,	Siler,
J. P. Caldwell,	Kerr,	Smith,
Cardwell,	Killian,	Stallings,
Carson,	King,	J. W. Taylor,
Chambers,	W. B. Lane,	F. Taylor,
Clegg,	I. W. Lane,	Thompson,
J. M. Covington,	Mangum,	Tomlinson,
J. W. Covington,	Massey,	Wadsworth,
Dickson,	E. P. Miller,	J. Walker,
Ennett,	J. T. Miller,	J. O'K. Williams,
Farrow,	W. J. T. Miller,	F. Williams,
Fleming,	Mills,	Winston,
Franklin,	Monday,	Wilson,
Gee,	Moore,	Withers,
J. R. Gilliam,	Morrow,	Young,
D. A. Graham,	Munroe,	Ziglar.

The question now being on the passing of the bill the second reading, was decided in the negative—yeas 54, nays 57. The yeas and nays demanded by Mr. E. Barnes.

Those who voted in the affirmative, were

Messrs.

Barringer,	D. A. Graham,	McLaurin,
Beall,	Grandy,	McMillan,
Boyden,	Gray,	Neal,
Brannock,	Guthrie,	Paine,
Brower,	Hawkins,	Patton,
Brummell,	Hill,	Pemberton,
Bryan,	Jefferson,	Poindexter,
Burns,	H. C. Jones,	Proctor,
J. P. Caldwell,	Keener,	Rand,
Carson,	W. B. Lane,	Robards,
Chambers,	Mendenhall,	Russell,
Clegg,	E. P. Miller,	Siler,
J. W. Covington,	W. J. T. Miller,	Whitehurst,
J. M. Covington,	Mills,	F. Williams,
Doak,	Moore,	Winston,

Eaton,	Murchison,	Wilson,
Fleming,	McClenehan,	Withers,
J. R. Gilliam,	McCollum,	Yong.

Those who voted in the negative, were

Messrs.

Adams,	Holland,	Munroe,
Allen,	Howerton,	McCleese,
Baker,	Huggins,	McLaughlin,
Bannerman,	Hyman,	Patterson,
E. Barnes,	Jacobs,	Pope,
J. Barnes,	Joiner,	Powell,
Biggs,	J. B. Jones,	Ragan,
Boyd,	C. Jones,	Reid,
Brogden,	R. Jones,	Smith,
Cardwell,	Kerr,	Stallings,
Dickson,	Killian,	J. W. Taylor,
Ennett,	King,	F. Taylor,
Farrow,	I. W. Lane,	Thompson,
Foreman,	Mangum,	Tomlinson,
Franklin,	Massey,	Wadsworth,
Gee,	J. T. Miller,	L. Walker,
Graves,	Monday,	J. Walker,
Guyther,	Morris,	J. O'K. Williams,
Herring,	Morrow,	Ziglar.

On motion, Mr. Neal obtained leave of absence from the service of the House from and after to-morrow.

Mr. J. P. Caldwell, from the Committee on Military Affairs, reported unfavorably on the case of Wm. Benson, of Orange; and asked that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Boyden, from the Committee on the Judiciary, reported the bill to amend the Revised Statutes, entitled an act for restraining the taking of excessive usury, with amendments. The amendments were read and concurred in; and on motion of Mr. Biggs, the bill as amended was laid on the table.

Mr. Reid moved that the House do reconsider their vote of yesterday, whereby was rejected the resolutions concerning Lumber River. The question will the House so re-consider? was decided in the affirmative—yeas 59, nays 42. The yeas and nays demanded by Mr. Patterson.

Those who voted in the affirmative, were

Messrs.

Bannerman,	Hill,	Paine,
Barringer,	Jefferson,	Patton,
Beall,	H. C. Jones,	Pemberton,
Boyden,	Kerr,	Poindexter,
Brannock,	King,	Pope,
Brower,	W. B. Lane,	Powell,
Brummell,	I. W. Lane,	Ragan,
Bryan,	Mendenhall,	Reid,
Burns,	E. P. Miller,	Robards,
J. P. Caldwell,	J. T. Miller,	Siler,
Chambers,	W. J. T. Miller,	Russell,
Clegg,	Mills,	Smith,
J. M. Covington,	Morris,	Spruill,
J. W. Covington,	Munroe,	Whitehurst,
Doak,	Murchison,	J. O'K. Williams,
Fleming,	McClenehan,	F. Williams,
Franklin,	McCollum,	Winston,
J. R. Gilliam,	McLaurin,	Withers,
D. A. Graham,	McMillan,	Young.
Gray,	Neal,	

Those who voted in negative, were

Messrs.

Adams,	Graves,	Mangum,
Allen,	Guyther,	Massey,
Baker,	Hawkins,	Monday,
J. Barnes,	Holland,	McCleese,
E. Barnes,	Howerton,	Patterson,
Biggs,	Huggins,	Stallings,
Brogden,	Hyman,	J. W. Taylor,
Cardwell,	Jacobs,	F. Taylor,
Dickson,	Joiner,	Tomlinson,
Eunett,	J. B. Jones,	Wadsworth,
Farrow,	C. Jones,	J. Walker,
Foreman,	R. Jones,	L. Walker,
Gee,	Keener,	Wilson,
Grandy,	Killian,	Ziglar.

The said resolution was thereupon read the second time.

Mr. Wilson moved to amend it by the following addition, viz:

"That the further sum of two thousand dollars be appropriated for the improvement of Perquimons River, from the Float Bridge across said river, to Nixon's Point, on said river; and that said sum be expended for the purpose aforesaid, under the direction of the County Court of said county."

The question on adopting this amendment was decided in the negative.

Mr. Tomlinson offered the following amendment:

Resolved further, That the sum of one thousand dollars be appropriated to cut out a road from Stallings's Mills, in Johnston county, to Black Creek, at or near Burwell Barber's on the Fayetteville Road."

This amendment was rejected.

The question then recurring on passing the resolution the second time, was decided in the affirmative—yeas 59, nays 41. The yeas and nays demanded by Mr. Farrow.

Those who voted in the affirmative, were

Messrs.

Bannerman,	Hill,	McMillan,
Barringer,	Jefferson,	Neal,
Beall,	H. C. Jones,	Paine,
Boyden,	Keener,	Patton,
Brannock,	Kerr,	Pemberton,
Brower,	Killian,	Poindexter,
Brummell,	W. B. Lane,	Powell,
Bryan,	Mendenhall,	Proctor,
Burns,	E. P. Miller,	Ragan,
J. P. Caldwell,	J. T. Miller,	Robards,
Carson,	W. J. T. Miller,	Russell,
Clegg,	Mills,	Siler,
J. M. Covington,	Munday,	Spruill,
J. W. Covington,	Morris,	Thompson,
Doak,	Munroe,	Whitehurst,
Fleming,	Murchison,	J. O'K. Williams,
Franklin,	McClenahan,	F. Williams,
J. R. Gilliam,	McCollum,	Winston,
D. A. Graham,	McLaughlin,	Young,
Gray,	McLaurin,	

Those who voted in the negative, were

Messrs.

Adams,	Gee,	Massey,
Allen,	Grandy,	Morrow,
Baker,	Graves,	Patterson,
J. Barnes,	Guyther,	Pope,
E. Barnes,	Hawkins,	Reid,
Biggs,	Holland,	Stallings,
Boyd,	Howerton,	F. Taylor,
Brogden,	Hyman,	Tomlinson,
Cardwell,	Jacobs,	Wadsworth,
Chambers,	Joiner,	J. Walker,
Dickson,	J. B. Jones,	L. Walker,
Ennett,	R. Jones,	Wilson,
Farrow,	I. W. Lane,	Ziglar,
Foreman,	Mangum,	

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Hill gave notice that he should, on to-morrow, move a suspension for the residue of the session, of the 50th Rule of Order.

X The House resumed the consideration of the bill for the establishment and regulation of Common Schools.

Mr. D. A. Graham moved to strike out the first section of the bill, and insert the following:

“ That the nett annual proceeds arising from the Literary Fund, (except that arising from the sale of the Swamp Lands,) shall annually be distributed among the several counties of the State as follows, viz: The 1220th part of one half of said proceeds shall be given to each district of six miles square, or in that ratio. The other half of said proceeds to be distributed in ratio of the white population.”

Mr. Robards called a division of the question; and the first question being on striking out the first section, as proposed, was decided in the negative—yeas 53, nays 58.

Those who voted in the affirmative, were

Messrs.

Barringer,	D. A. Graham,	Morris,
Beall,	J. Graham,	Murchison,
Boyd,	Graves,	McCollum,
Boyden,	Gray,	McLaughlin,
Brannock,	Holland,	McMillan,
Brower,	Jefferson,	Neal,
Brummell,	H. C. Jones,	Patton,
Bryan,	C. Jones,	Pemberton,
Burns,	Keener,	Robards,
J. P. Caldwell,	Killian,	Siler,
Cardwell,	King,	J. Walker,
Carson,	W. B. Lane,	L. Walker,
Chambers,	Mendenhall,	F. Williams,
Clegg,	E. P. Miller,	Winston,
J. M. Covington,	W. J. T. Miller,	Withers,
Doak,	Mills,	Young,
Fleming,	Monday,	Ziglar.
Franklin,	Morrow,	

Those who voted in the negative, were

Messrs.

Adams,	Herring,	Pope,
Allen,	Hill,	Powell,
Baker,	Howerton,	Proctor,
Bannerman,	Huggins,	Ragan,
J. Barnes,	Hyman,	Rand,
E. Barnes,	Jacobs,	Reid,
Biggs,	Joiner,	Russell,
Biogden,	J. B. Jones,	Smith,
J. W. Covington,	R. Jones,	Spruill,
Dickson,	Kerr,	Stallings,
Eaton,	I. W. Lane,	J. W. Taylor,
Ennett,	Mangum,	F. Taylor,
Farrow,	Massey,	Thompson,
Foreman,	J. T. Miller,	Tomlinson,
Gee,	Moore,	Wadsworth,
J. R. Gilliam,	Munroe,	Whitehurst,
Grandy,	McCleese,	J. O'K. Williams,
Guthrie,	McLaurin,	Wilson.
Guyther,	Paine,	
Hawkins,	Patterson,	

Mr. Robards moved to strike out the sixth section, directing the county Court to levy a tax. The question on this motion, was decided in the negative—yeas 42, nays 69.

Those who voted in the affirmative, were

Messrs.

Barringer,	H. C. Jones,	McMillan,
Beall,	C. Jones,	Neal,
Boyden,	Killian,	Patton,
Brummell,	King,	Pemberton,
Bryan,	E. P. Miller,	Reid,
Burns,	W. J. T. Miller,	Robards,
J. P. Caldwell,	Mills,	Russell,
Carson,	Monday,	Siler,
J. M. Covington,	Morris,	J. Walker,
Franklin,	Morrow,	L. Walker,
Graves,	Munroe,	F. Williams,
Gray,	Murchison,	Withers,
Holland,	McCollum,	Young,
Jefferson,	McLaughlin,	Ziglar.

Those who voted in the negative, were

MESSRS.

Adams,	J. R. Gilliam,	J. T. Miller,
Allen,	D. A. Graham,	Moore,
Baker,	J. Graham,	McCleese,
Bannerman,	Grandy,	McLaurin,
E. Barnes,	Guthrie,	Paine,
J. Barnes,	Guyther,	Patterson,
Biggs,	Hawkins,	Pope,
Boyd,	Herring,	Powell,
Brannock,	Hill,	Proctor,
Brogden,	Howerton,	Ragan,
Brower,	Huggins,	Rand,
Cardwell,	Hyman,	Smith,
Chambers,	Jacobs,	Spruill,
Clegg,	Joiner,	Stallings,
J. W. Covington,	J. B. Jones,	J. W. Taylor,
Dickson,	R. Jones,	F. Taylor,
Doak,	Keener,	Thompson,
Eaton,	Kerr,	Tomlinson,
Ennett,	W. B. Lane,	Wadsworth,

Farrow,	I. W. Lane,	J. O'K. Williams,
Fleming,	Mangum,	Whitehurst,
Foreman,	Massey,	Winston,
Gee,	Mendenhall,	Wilson.

Mr. Boyden moved to strike out the second section, and demanded the yeas and nays. The question on striking out, was decided in the negative—yeas 14, nays 94.

Those who voted in the affirmative, were

Messrs.

Boyden,	Jefferson,	Murchison,
Burns,	H. C. Jones,	McMillan,
J. P. Caldwell,	Keener,	Pemberton,
Franklin,	King,	F. Williams.
Gray,	E. P. Miller,	

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	McLaurin,
Allen,	Graves,	Paine,
Baker,	Guyther,	Patton,
Bannerman,	Hawkins,	Patterson,
J. Barnes,	Herring,	Pope,
E. Barnes,	Hill,	Powell,
Barringer,	Holland,	Proctor,
Beall,	Howerton,	Ragan,
Biggs,	Huggins,	Reid,
Boyd,	Hyman,	Rand,
Brannock,	Jacobs,	Robards,
Brogden,	Joiner,	Russell,
Brower,	J. B. Jones,	Siler,
Brummell,	C. Jones,	Smith,
Bryan,	R. Jones,	Spruill,
Cardwell,	Kerr,	Stallings,
Carson,	W. B. Lane,	J. W. Taylor,
Chambers,	I. W. Lane,	F. Taylor,
Clegg,	Mangum,	Thompson,
J. W. Covington,	Massey,	Tomlinson,
J. M. Covington,	Mendenhall,	Wadsworth,
Dickson,	J. T. Miller,	L. Walker,
Doak,	W. J. T. Miller,	J. Walker,

Eaton,	Mills,	Whitehurst,
Ennett,	Monday,	J. O'K. Williams,
Farrow,	Moore,	Winston,
Fleming,	Morris,	Wilson,
Foreman,	Morrow,	Withers,
Gee,	Munroe,	Young,
J. R. Gilliam,	McCleese,	Ziglar.
D. A. Graham,	McCollum,	
J. Graham,	McLaughlin,	

Mr. Mills moved to amend the bill by adding the following section:

"Be it further enacted, That it shall be the duty of the sheriffs of the several counties in this State, when they advertise the next election for members of Congress, to give notice at the same time, by public advertisement, in every election precinct, that an election will be held, in order to ascertain the voice of the people in relation to the ratio in which the literary fund shall be distributed among the several counties in this State, for the purpose of education; and all who are in favor of distributing said fund, according to white population, will deposite their votes with the words White Population written on it. Those opposed to it, will vote Federal Population upon their ticket. And it shall be the duty of the sheriffs to hold said elections, and make a return to the Secretary of State of the number of votes given under the same rules and regulations now required in the Governor's election."

The question on the adoption of this amendment was decided in the negative—yeas 33, nays 76.

Those who voted in the affirmative, were

Messrs.

Beall,	Holland,	McLaughlin,
Boyden,	Jefferson,	McMillan,
Brunmell,	Keener,	Neal,
Bryan,	Killain,	Pemberton,
Burns,	King,	Siler,
J. P. Caldwell,	E. P. Miller,	L. Walker,
Carson,	W. J. T. Miller,	J. Walker,
J. M. Covington,	Mills,	Whitehurst,
Fleming,	Monday,	F. Williams,
Franklin,	Morris,	Withers,
Gray,	Murchison,	Young.

Those who voted in the negative, were

Messrs.

Adams,	Guthrie,	McLaurin,
Allen,	Guyther,	Paine,
Baker,	Hawkins,	Patton,
Bannerman,	Herring,	Patterson,
J. Barnes,	Hill,	Pope,
E. Barnes,	Howerton,	Powell,
Barringer,	Huggins,	Proctor,
Biggs,	Hyman,	Ragan,
Boyd,	Jacobs,	Rand,
Brannock,	Joiner,	Reid,
Brogden,	H. C. Jones,	Robards,
Brower,	J. B. Jones,	Russell,
Cardwell,	C. Jones,	Smith,
Chambers,	R. Jones,	Spruill,
Clegg,	Kerr,	Stallings,
J. W. Covington,	W. B. Lane,	J. W. Taylor,
Dickson,	I. W. Lane,	F. Taylor,
Doak,	Manguin,	Thompson,
Ennett,	Massey,	Tomlinson,
Farrow,	Mendenhall,	Wadsworth,
Foreman,	J. T. Miller,	J. O'K. Williams,
Gee,	Moore,	Winston,
D. A. Graham,	Morrow,	Wilson,
J. Graham,	Munroe,	Ziglar.
Grandy,	McCleese,	
Graves,	McCollum,	

Mr. Barringer moved to amend the bill by striking out the 8th section and inserting the following, viz:

"That the free white men of the several school districts, who are entitled to vote for members of the House of Commons, on the first Monday after the expiration of one month after the said school districts shall have been laid off as herein before directed, shall vote by ballot for three men, to be entitled the school committee—who shall hold their appointments for one year, and until others are chosen; and that said election shall be held at such convenient place in the school districts severally, as the said superintendents may designate: and the three persons having the highest number of votes at such elections, shall be declared elected as the school committee of their respective districts."

The question on adopting this amendment, was decided in the affirmative—yeas 57, nays 50.

Those who voted in the affirmative, were

Messrs.

Adams,	Graves,	Murchison,
Barringer,	Gray,	McCollum,
Beall,	Hawkins,	McLaughlin,
Boyd,	Holland,	McMillan,
Boyden,	Jefferson,	Pemberton,
Brannock,	H. C. Jones,	Powell,
Brunmell,	C. Jones,	Rand,
Bryan,	R. Jones,	Reid,
Burns,	Keener,	Robards,
J. P. Caldwell,	Killian,	Russell,
Cardwell,	King,	Siler,
Carson,	Massey,	F. Taylor,
J. W. Covington,	E. P. Miller,	Tomlinson,
J. M. Covington,	W. J. T. Miller,	L. Walker,
Fleming,	Mills,	J. Walker,
Franklin,	Monday,	F. Williams,
J. R. Gilliam,	Morrow,	Winston,
D. A. Graham,	Morris,	Young,
J. Graham,	Munroe,	Ziglar.

Those who voted in the negative, were

Messrs.

Allen,	Guyther,	McLaurin,
Baker,	Herring,	Paine,
Bannerman,	Hill,	Patton,
J. Barnes,	Howerton,	Patterson,
E. Barnes,	Huggins,	Pope,
Biggs,	Hyman,	Proctor,
Brogden,	Jacobs,	Ragan,
Brower,	Joiner,	Smith,
Clegg,	J. B. Jones,	Spruill,
Dickson,	Kerr,	Stallings,
Doak,	W. B. Lane,	J. W. Taylor,
Ennett,	I. W. Lane,	Thompson,
Farrow,	Mangum,	Wadsworth,
Foreman,	Mendenhall,	Whitehurst,
Gee,	J. T. Miller,	J. O'K. Williams,

Grandy,
Guthrie,

McCleese,
McClenehan,

Wilson.

Mr. Patterson moved to amend the second section, by providing that the said board of superintendents shall appoint a clerk, &c. This was negatived.

Mr. McCollum moved to amend the 20th section by striking out 5 per cent., and inserting $2\frac{1}{2}$ per cent. This was negatived.

Mr. H. C. Jones moved to amend said section by striking out 6 per cent., and inserting 3 per cent. The question on this motion was decided in the negative—yeas 50, nays 58.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hawkins,	Patton,
Beall,	Holland,	Pemberton,
Boyd,	Jefferson,	Powell,
Boyden,	H. C. Jones,	Reid,
Brannock,	Keener,	Robards,
Brummell,	Killian,	Russell,
Bryan,	King,	Siler,
Burns,	E. P. Miller,	Tomlinson,
J. P. Caldwell,	W. J. T. Miller,	L. Walker,
Cardwell,	Mills,	J. Walker,
Carson,	Monday,	J. O'K. Williams,
J. M. Covington,	Morris,	F. Williams,
J. W. Covington,	Morrow,	Winston,
Franklin,	Murchison,	Withers,
J. Graham,	McCollum,	Young,
Graves,	McLaughlin,	Ziglar.
Gray,	McMillan,	

Those who voted in the negative, were

Messrs.

Adams,	Guthrie,	McCleese,
Allen,	Guyther,	McClenehan,
Baker,	Herring,	McLaurin,
J. Barnes,	Hill,	Paine,
E. Barnes,	Howerton,	Patterson,
Biggs,	Huggins,	Pope,
Brogden,	Hyman,	Proctor,

Brower,	Jacobs,	Ragan,
Chambers,	Joiner,	Rand,
Clegg,	J. B. Jones,	Smith,
Dickson,	C. Jones,	Spruill,
Doak,	R. Jones,	Stallings,
Ennett,	Kerr,	J. W. Taylor,
Farrow,	I. W. Lane,	F. Taylor,
Fleming,	Mangum,	Thompson,
Foreman,	Massey,	Wadsworth,
Gee,	Mendenhall,	Whitehurst,
J. R. Gilliam,	J. T. Miller,	Wilson.
D. A. Graham,	Moore,	
Grandy,	Munroe,	

The question shall the said bill pass the first reading, as amended, was decided in the affirmative—yeas 77, nays 33. The yeas and nays demanded by Mr. Boyden.

Those who voted in the affirmative, were

Messrs.

Adams,	Grandy,	McClenehan,
Allen,	Graves,	McCol'lum,
Baker,	Guthrie,	McLaurin,
Bannerman,	Guyther,	Paine,
J. Barnes,	Herring,	Pope,
E. Barnes,	Hill,	Pcwell,
Barringer,	Holland,	Proctor,
Biggs,	Howerton,	Ragan,
Boyd,	Huggins,	Rand,
Brannock,	Hyman,	Reid,
Brogden,	Jacobs,	Smith,
Brower,	Joiner,	Spruill,
Burns,	J. B. Jones,	Stallings,
Cardwell,	C. Jones,	J. W. Taylor,
Clegg,	R. Jones,	F. Taylor,
J. W. Covington,	Kerr,	Thompson,
Dickson,	King,	Tomlinson,
Doak,	W. B. Lane,	Wadsworth,
Ennett,	I. W. Lane,	L. Walker,
Farrow,	Mangum,	Whitehurst,
Fleming,	Massey,	J. O'K. Williams,
Foreman,	Mendenhall,	F. Williams,
Gee,	J. T. Miller,	Winston,

J. R. Gilliam,	Moore,	Wilson,
D. A. Graham,	Munroe,	Ziglar.
J. Graham,	McCleese,	

Those who voted in the negative, were

Messrs.

Beall,	Jefferson,	McLaughlin,
Boyden,	H. C. Jones,	McMillan,
Brummell,	Keener,	Patton,
Bryan,	Killian,	Patterson,
J. P. Caldwell,	E. P. Miller,	Pemberton,
Carson,	W. J. T. Miller,	Robards,
Chambers,	Mills,	Russell,
J. M. Covington,	Monday,	Siler,
Franklin,	Morris,	J. Walker,
Gray,	Morrow,	Withers,
Hawkins,	Murchison,	Young.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, and asking the concurrence of this House, viz:

A bill supplemental to an act passed by this General Assembly, entitled an act to lay off and establish a county by the name of Caldwell;

A bill supplemental to an act passed at this General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland;

A bill to incorporate the Hembric Turnpike Company;

A bill to incorporate the North Carolina Land and Mining Company;

A bill to incorporate the Trustees of the Union Institute Academy;

A bill to incorporate the Union Institute Library Society;

A bill to protect Churches;

A bill to prevent transportation of slaves upon Rail Roads, Steam Boats or Stage Coaches, without a written permission from their owners;

And a resolution to authorize the Governor to employ counsel to defend the titles of the purchasers of lands in Cherokee county.

These bills and resolutions were severally read the first time and passed.

A message from the Senate, informing that they had passed the engrossed resolutions concerning certain bonds in the Treasury Office, and asking the concurrence of the House. The said resolutions were read and adopted, and ordered to be enrolled.

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Concord Manufacturing Company.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they have passed the engrossed resolution in favor of William Stronach, and the resolution relating to the Comptroller; and asking the concurrence of this House. Said resolutions were read, adopted, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act entitled an act to incorporate the North Carolina Central Rail Road Company, and engrossed resolutions relating to the Raleigh and Gaston Rail Road; and asking the concurrence of this House. The said bill and resolutions were read the first time and passed; and the said resolutions were, on motion of Mr. Spruill, laid upon the table.

The bill to prevent free persons of color from carrying fire arms, was read the second and third times, passed, and ordered to be engrossed.

The bill to repeal a part of the 18th section of the Revised Statutes, entitled an act concerning Supreme Court, was read the third time, amended and passed, and ordered to be engrossed.

The bill to establish a Female Literary Institution in the county of Robeson, was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill supplemental to an act passed A. D. 1839, chapter 30, entitled an act to amend the inspection laws, was read the second and third time, passed, and ordered to be enrolled.

The engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Caldwell, was read the second and third time, passed, and ordered to be enrolled.

The resignations of John R. Gilliam, of Bertie county, and of Valentine S. Jordan, of Pitt, Justices of the Peace, were presented, read and accepted.

The resolutions in favor of George E. Badger and David L. Swain, were read the second and third time, passed, and ordered to be enrolled.

Mr. Winston, from the Committee on the Judiciary, reported unfavorably on the bill in addition to the Revised Statutes, entitled an act for the prevention of frauds or fraudulent conveyances; when said bill was, on motion of Mr. Cardwell, postponed indefinitely.

The engrossed bill supplemental to an act passed by the present General Assembly, entitled an act to lay off and establish a county by the name of Cleaveland, was read the second and third time, amended and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

Mr. Paine, from the Joint Select Committee on the Library, reported a resolution accepting from Hon. Edward Stanly a donation of certain books. Said resolution was read and adopted, and ordered to be engrossed.

Mr. Paine, from the same committee, reported the engrossed bill to purchase a Library, with amendments, which were concurred in, and the bill as amended, was read the third time and passed.

Ordered, That a concurrence of the Senate be asked in the amendment.

Mr. Paine, from the same committee, recommended that the communications from George Templeman on the subject of books, be referred to the States' agent for purchasing a Library.

The engrossed bill to amend an act passed at the last session of the General Assembly, entitled an act to authorize the making a Turnpike Road in Haywood county;

And the engrossed bill in favor of the Princess Ann and Kempsville Canal Companies, were each read the second and third times, passed, and ordered to be enrolled.

The bill to authorize the making a Turnpike Road in the county of Henderson;

And the resolutions relating to the Secretary of State's Office, were each read the second and third time, passed, and ordered to be engrossed.

Mr. Wilson, from the Committee on the Judiciary, reported unfavorably on the bill to provide for the distribution of the proceeds of land sold for partition in certain cases; when said bill was, on motion of Mr. E. P. Miller, postponed indefinitely.

The bill to incorporate the Franklin Library Society, in the town of Fayetteville;

The bill to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland;

And the resolution for the Public Treasurer, were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JAN. 9, 1841.

The engrossed bill making an appropriation for completing the Capitol of the State, and for other purposes, was read the second time.

Mr. Stallings moved to strike out the third section of the bill, and called for the yeas and nays. The question on striking out was decided in the negative—yeas 24, nays 80.

Those who voted in the affirmative, were

Messrs.

Adams,	Ennett,	I. W. Lane,
Baker,	Fleming,	Munroe,
Bannerman,	Foreman,	Powell,
J. Barnes,	Gray,	Stallings,
E. Barnes,	Guyther,	F. Taylor,
Brogden,	Hawkins,	Tomlinson,
J. P. Caldwell,	Herring,	Withers,
Cardwell,	R. Jones,	Ziglar.
Dickson,	Killian,	

Those who voted in the negative, were

Messrs.

Allen,	Hyman,	McMillan,
Barringer,	Jacobs,	Paine,
Beall,	Jefferson,	Patton,
Boyd,	Joiner,	Patterson,
Boyden,	H. C. Jones,	Pemberton,
Brannock,	C. Jones,	Pope,

Brower,	Keener,	Proctor,
Brumanell,	Kerr,	Ragan,
Bryan,	King,	Rand,
Burns,	W. B. Lane,	Reid,
Carson,	Mangum,	Robards,
Clegg,	Massey,	Russell,
J. M. Covington,	Mendenhall,	Siler,
J. W. Covington,	E. P. Miller,	Smith,
Doak,	J. T. Miller,	Spruill,
Farrow,	W. J. T. Miller,	J. W. Taylor,
Franklin,	Mills,	Thompson,
Gee,	Monday,	Wadsworth,
J. R. Gilliam,	Moore,	L. Walker,
J. Graham,	Morris,	J. Walker,
D. A. Graham,	Morrow,	Whitehurst,
Grandy,	Murchison,	J. O'K. Williams,
Graves,	McCleese,	F. Williams,
Guthrie,	McClenahan,	Winston,
Hill,	McCollum,	Wilson,
Holland,	McLaughlin,	Young.
Huggins,	McLaurin,	

The question shall the said bill pass the second reading? was decided in the affirmative.

Mr. Cardwell moved to strike out so much of said bill as authorises the payment of interest to the Bank on the loans made to the State. The question on this motion was decided in the negative.

On motion, the said bill was again read the third time and passed, and ordered to be enrolled.

On motion, leave of absence from the service of the House was granted to Messrs. Young and McCollum after to-day; and to Messrs. W. J. T. Miller, Farrow, Morrow, Hawkins and E. Barnes, from and after to-morrow.

The House proceeded to the order of the day, and resumed the consideration of the engrossed bill for the establishment and better regulation of Common Schools.

Mr. Boyden moved to amend the first section, by striking out the ratio of distribution proposed therein, and inserting the words one half in the ratio of white population, and the other half in the ratio of federal population.

Mr. Paine called a division of the question; and the question being, will the House strike out as proposed? was decided in the negative—yeas 49, nays 63.

Those who voted in the affirmative, were

Messrs.

Barringer,	Gray,	McCollum,
Beall,	Guthrie,	McLaughlin,
Boyd,	Holland,	McMillan,
Boyden,	Jefferson,	Patton,
Braunock,	H. C. Jones,	Pemberton,
Brower,	C. Jones,	Poindexter,
Brummell,	Keener,	Reid,
Bryan,	Killian,	Robards,
Burns,	King,	Siler,
J. P. Caldwell,	Mendenhall,	L. Walker,
Cardwell,	E. P. Miller,	J. Walker,
Carson,	W. J. T. Miller,	F. Williams,
Clegg,	Mills,	Withers,
J. M. Covington,	Monday,	Young,
Doak,	Morris,	Ziglar.
Franklin,	Morrow,	
J. Graham,	Murchison,	

Those who voted in the negative, were

Messrs.

Adams,	Guyther,	McLaurin,
Allen,	Hawkins,	Paine,
Baker,	Herring,	Patterson,
Bannerman,	Hill,	Pope,
E. Barnes,	Howerton,	Powell,
J. Barnes,	Huggins,	Proctor,
Biggs,	Hyman,	Ragan,
Brogden,	Jacobs,	Rand,
Chambers,	Joiner,	Russell,
J. W. Covington,	J. B. Jones,	Smith,
Dickson,	R. Jones,	Spruill,
Eaton,	Kerr,	Stallings,
Ennett,	W. B. Lane,	J. W. Taylor,
Farrow,	I. W. Lane,	F. Taylor,
Fleming,	Mangum,	Thompson,
Foreman,	Massey,	Tomlinson,
Gee,	J. T. Miller,	Wadsworth,
J. R. Gilliam,	Moore,	Whitehurst,
D. A. Graham,	Munroe,	J. O'K. Williams,
Grandy,	McCleese,	Wilson,
Graves,	McClenehan,	Winston.

Mr. Mills moved to amend the bill by striking out the 6th section, and inserting the following, viz:

"That the citizens of each school district shall raise by subscription, taxation, or otherwise, as a majority of the legal voters of the district may direct, a sum not less than one half the amount to which said district shall be entitled to receive from the Literary Fund, under the provisions of this act, and that no district shall be entitled to receive a portion of the Literary Fund in any year, until they have raised the amount as above, for said year."

Mr. Moore called for a division of the question, and the first question being on striking out, as proposed, was decided in the negative—yeas 37, nays 74.

Those who voted in the affirmative, were

Messrs.

Barringer,	Jefferson,	McMillan,
Beall,	H. C. Jones,	Pemberton,
Boyden,	Keener,	Poindexter,
Brummell,	Killian,	Reid,
Bryan,	King,	Robards,
J. P. Caldwell,	E. P. Miller,	Russell,
Cardwell,	W. J. T. Miller,	J. Walker,
Carson,	Mills,	L. Walker,
J. M. Covington,	Morris,	F. Williams,
Franklin,	Morrow,	Withers,
D. A. Graham,	Munroe,	Young.
Gray,	Murchison,	
Holland,	McLaughlin,	

Those who voted in negative, were

Messrs.

Adams,	Graves,	McLaurin,
Allen,	Guthrie,	Paine,
Baker,	Guyther,	Patton,
Bannerman,	Herring,	Patterson,
J. Barnes,	Hawkins,	Pope,
E. Barnes,	Hill,	Powell,
Biggs,	Howerton,	Proctor,
Boyd,	Huggins,	Ragan,
Brannock,	Hyman,	Rand,

Brogden,	Jacobs,	Siler,
Brower,	Joiner,	Smith,
Burns,	J. B. Jones,	Spruill,
Clegg,	C. Jones,	Stallings,
J. W. Covington,	R. Jones,	J. W. Taylor,
Dickson,	W. B. Lane,	F. Taylor,
Doak,	I. W. Lane,	Thompson,
Eaton,	Mangum,	Tomlinson,
Ennett,	Massey,	Wadsworth,
Farrow,	Mendenhall,	Whitehurst,
Fleming,	J. T. Miller,	J. O'K. Williams,
Foreman,	Monday,	Winston,
Gee,	Moore,	Wilson,
J. R. Gilliam,	McCleese,	Ziglar.
J. Graham,	McClenehan,	
Grandy,	McCollum,	

Mr. Mills moved to strike out the proviso at the end of the 5th section. the question thereon was decided in the negative. The bill was further amended on motion of Mr. Barringer, and the question shall the said bill pass the second reading? was decided in the affirmative—yeas 72, nays 37. The yeas and nays demanded by Mr. J. P. Caldwell.

Those who voted in the affirmative, were

Messrs.

Adams,	Guthrie,	McLaurin,
Baker,	Guyther,	Paine,
Bannerman,	Hawkins,	Patterson,
J. Barnes,	Herring,	Pope,
E. Barnes,	Hill,	Powell,
Biggs,	Howerton,	Proctor,
Boyd,	Huggins,	Ragan,
Brannock,	Hyman,	Rand,
Brogden,	Jacobs,	Reid,
Brower,	Joiner,	Smith,
Cardwell,	J. B. Jones,	Spruill,
Clegg,	C. Jones,	Stallings,
J. W. Covington,	R. Jones,	J. W. Taylor,
Dickson,	Kerr,	F. Taylor,
Doak,	King,	Thompson,
Eaton,	W. B. Lane,	Tomlinson,
Ennett,	I. W. Lane,	Wadsworth,

Farrow,	Mangum,	L. Walker,
Fleming,	Massey,	Whitehurst,
Foreman,	Mendenhall,	J. O'K. Williams,
Gee,	J. T. Miller,	Winston,
J. R. Gilliam,	Moore,	Wilson,
J. Graham,	Munroe,	Ziglar.
Grandy,	McCleese,	
Graves,	McClenehan,	

Those who voted in the negative, were

Messrs.

Barringer,	Holland,	McMillan,
Beall,	H. C. Jones,	Patton,
Boyden,	Keener,	Pemberton,
Brummell,	Killian,	Poindexter,
Bryan,	E. P. Miller,	Robards,
Burns,	W. J. T. Miller,	Russell,
J. P. Caldwell,	Mills,	Siler,
Carson,	Monday,	J. Walker,
Chambers,	Morris,	F. Williams,
J. M. Covington,	Morrow,	Withers,
Franklin,	Murchison,	Young.
D. A. Graham,	McCollum,	
Gray,	McLaughlin,	

On motion, the said bill was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendments.

The resolutions to pay certain contingent expenses of the General Assembly, were read the third time and passed, and ordered to be engrossed.

The bill to incorporate the Salisbury Manufacturing Company;

And the resolution in favor of the door-keepers, were each read the second and third times, passed, and ordered to be engrossed.

The bill fixing the time at which the Superior Courts of Law and Courts of Equity shall be held hereafter in the several counties composing the Seventh Judicial Circuit, was read the second and third time, passed, and ordered to be enrolled.

A message from the Senate, concurring in the amendments to the engrossed bill supplemental to an act passed

at the present General Assembly, entitled an act to lay off and establish a new county by the name of Cleaveland.

Ordered, That said bill be enrolled.

A message from the Senate, concurring in the amendments to the bill for the establishment and better regulation of Common Schools, made in this House.

Ordered, That said bill be enrolled.

Mr. Clegg introduced a resolution in favor of J. N. Crosby; which was read the first time and passed, and on Mr. Cardwell's motion, referred to the Committee on Claims.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Messrs. King and Biggs obtained leave of absence from the service of the House after to-day; and Mr. Morris, after to-morrow, for the residue of the session.

On motion of Mr. Winston,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee, consisting of three members from each House, for the purpose of examining what measures shall be taken by the State, in case the Raleigh and Gaston Rail Road Company shall fail to pay the interest on the loan guaranteed by the State by virtue of the act of 1838; also, to examine whether the said company be insolvent; and that they have leave to sit during the session of the House.

Mr. Keener presented sundry petitions from citizens of Haywood; one in relation to the granting certain rights and immunities to the Cherokee Indians residing in said county; another in relation to the culture of silk.

Ordered, That said petitions lie on the table.

Mr. Boyden, from the Joint Select Committee, to whom was referred certain resolutions relating to the action of the House of Representatives of the United States on the contested election from the State of New Jersey, reported said resolutions without amendment.

Ordered, on motion of Mr. Patton, that they lie on the table.

Received from his Excellency, John M. Morehead, by

his Private Secretary, James T. Littlejohn, the following communication:

" EXECUTIVE OFFICE, }
9th January, 1841. }

To the Honorable the General

Assembly of North Carolina.

GENTLEMEN,

I herewith transmit to your honorable body a communication, this day received from the Public Treasurer, to which I invite your immediate attention. Upon reference to the act passed at the last session of the Legislature, entitled an act for the relief of the Raleigh and Gaston Rail Road, I do not perceive that the Legislature contemplated the happening of the event apprehended by the Treasurer, viz: the discontinuance of operations upon the road; and consequently made no provision for such an event.

Should the corporation cease their operations, the power of sequestration, given in the 9th section of that act, will be altogether nugatory; consequently, your Honorable Body will necessarily have to provide the Public Treasurer with the necessary means to meet the accruing interest as it falls due, according to the provisions of the 5th section of said act, or a violation of the pledge of the credit and faith of the State must ensue—a violation that no Department of this Government will permit, if it can be avoided.

This corporation is yet in its infancy, and struggling for existence. The last Legislature extended a fostering hand to it, and backed its credit by that of the State, whereby the State is deeply involved on its account.

The success of this enterprize cannot be well ascertained until it has more time for its development; and should it now be abandoned, and its operation cease, the event will be one greatly to be deplored, as it will be one not anticipated by the last Legislature, and will involve the State in deep pecuniary embarrassment, and will require some action on the part of your Honorable Body to protect the interest of the State.

I therefore respectfully call your attention to the act aforesaid, and to the event apprehended by the Treasurer, and suggest the propriety of some prospective Legislation to meet such a contingency.

This course may save you the trouble of again assembling,

and the State the expense of your again meeting, if legislative action should be required before the next regular session of the Legislature.

I am very respectfully,

Your obedient servant,

JOHN M. MOREHEAD.

On motion,

Ordered, That the communication of the Governor, and the letter of the Public Treasurer therein referred to, be committed to the Joint Select Committee contemplated in the resolution this day adopted on Mr. Winston's motion upon this subject.

Received a message from the Senate, agreeing to raise a joint select committee of three, on the part of each House, on the affairs and condition of the Raleigh and Gaston Rail Road Company—and informing that Messrs. Worth, Bynum and Pasteur form their branch of said committee.

Ordered, That Messrs. J. P. Caldwell, Thompson and J. B. Jones form said Committee on behalf of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to authorize the Weldon Toll Bridge Company to subscribe their stock to the Portsmouth and Roanoke Rail Road Company and for other purposes, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to regulate the measurement of ton and square timber and saw mill lumber, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

On motion of Mr. Barringer, leave was granted to Waller Freeman to withdraw his petition from the files of the House.

The bill to establish the Tobacco Planter's Bank of Henderson was read, and on motion of Mr. Reid, laid on the table.

The bill to appropriate \$400 to the improvement of the Lewis Fork Road, was read the second time and rejected.

The bill to amend the Revised Statutes, entitled an act to drain the swamp lands of this State, and to create a fund for common schools;

The bill to incorporate the light infantry company in the town of Edenton;

And the resolution in favor of John B. Love, were each read the second and third time, passed, and ordered to be engrossed.

On motion of Mr. Barringer,

Ordered, that the act for the establishment and better regulation of Common Schools, as passed by both Houses, be printed, ten copies for each member of the General Assembly; and that a message be sent to the Senate, asking their concurrence herein.

On motion of Mr. Reid, the report of the Committee of Conference on the resolutions concerning the apartments in the Capitol, was laid on the table.

The resolutions for repairing the Governor's residence, and for procuring furniture, were read the second time, amended, on Mr. Moore's motion, and passed.

The said resolutions were again read the third time. Mr. F. Taylor moved to strike out 'one thousand' from the second resolution, and to insert 'five hundred.' The question on adopting this amendment was decided in the negative—yeas 35, nays 48. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Adams,	Herring,	Munroe,
Baker,	Holland,	Ragan,
J. Barnes,	Jacobs,	Reid,
E. Barnes,	C. Jones,	Robards,
Beall,	R. Jones,	Russell,
Boyd,	Kerr,	Stallings,
Brogden,	Killian,	F. Taylor,
Cardwell,	I. W. Lane,	Tomlinson,
Eaton,	Massey,	J. Walker,
Ennett,	Monday,	L. Walker,
Graves,	Morrow,	Ziglar.
Guthrie,	Powell,	

Those who voted in the negative, were

Messrs.

Allen,	Hawkins,	McLaurin,
Barringer,	Hill,	Paine,

Boyden,	Huggins,	Patton,
Brannock,	Hyman,	Patterson,
Brower,	Jefferson,	Pemberton,
Clegg,	Joiner,	Pope,
J. M. Covington,	H. C. Jones,	Proctor,
J. W. Covington,	Mendenhall,	Smith,
Doak,	E. P. Miller,	Spruill,
Fleming,	J. T. Miller,	J. W. Taylor,
Foreman,	Mills,	Wadsworth,
Gee,	Moore,	Whitehurst,
D. A. Graham,	Morris,	J. O'K. Williams,
J. Graham,	Murchison,	Winston,
Grandy,	McCleese,	Wilson,
Gray,	McLaughlin,	Young.
Guyther,		

The question shall the said resolutions pass the third reading, was determined in the affirmative.

Ordered, That said resolutions be engrossed.

The bill to provide a copy of the N. C. Justice, for each and every magistrate of the State, was read the second time, amended on Mr. Moore's motion, by striking out "two dollars." and inserting "one dollar and fifty cents," and passed—yeas 50, nays 45. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Barringer,	Grandy,	McMillan,
Brower,	Huggins,	Paine,
Burns,	Jefferson,	Patton,
J. P. Caldwell,	Joiner,	Pemberton,
Clegg,	H. C. Jones,	Pope,
J. W. Covington,	Keener,	Powell,
Doak,	W. B. Lane,	Proctor,
Ennett,	Mendenhall,	Ragan,
Farrow,	E. P. Miller,	Russell,
Fleming,	W. J. T. Miller,	Siler,
Foreman,	Monday,	Stallings,
Franklin,	Moore,	J. W. Taylor,
Gee,	Morris,	J. Walker,
D. A. Graham,	Morrow,	Whitehurst,
Guyther,	Murchison,	F. Williams,
Herring,	McCleese,	Withers.
Holland,	McLaurin,	

Those who voted in the negative, were

MESSRS.

Adams,	Dickson,	Massey,
Allen,	Eaton,	J. T. Miller,
Baker,	J. Graham,	Mills,
Bannerman,	Graves,	Munroe,
E. Barnes,	Gray,	Patterson,
J. Barnes,	Guyther,	Reid,
Boyden,	Hawkins,	Robards,
Boyd,	Jacobs,	Smith,
Brannock,	J. B. Jones,	F. Taylor,
Brogden,	C. Jones,	Wadsworth,
Bryan,	R. Jones,	L. Walker,
Cardwell,	Kerr,	J. O'K. Williams,
Carson,	Killian,	Winston,
Chambers,	I. W. Lane,	Tomlinson,
J. M. Covington,	Mangum,	Ziglar.

On motion, the said bill was read the third time, and the question shall the said bill pass the third reading? was decided in the affirmative—yeas 56, nays 34. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were

Messrs.

Allen,	Gray,	McLaurin,
Barringer,	Guthrie,	McMillan,
Brogden,	Herring,	Paine,
Brower,	Holland,	Patton,
Brummell,	Huggins,	Pemberton,
Bryan,	Jefferson,	Pope,
Burns,	Joiner,	Powell,
Carson,	H. C. Jones,	Proctor,
Clegg,	Keener,	Ragan,
J. W. Covington,	W. B. Lane,	Russell,
J. M. Covington,	Mendenhall,	Siler,
Doak,	W. J. T. Miller,	Stallings,
Eunnett,	Monday,	J. W. Taylor,
Fleming,	Moore,	J. Walker,
Foreman,	Morris,	Whitehurst,
Franklin,	Morrow,	F. Williams,
Gee,	Munroe,	Wilson,

D. A. Graham, Murchison, Young.
 Grandy, McCleese,

Those who voted in the negative, were

Messrs.

Adams,	J. Graham,	J. T. Miller,
Baker,	Graves,	Patterson,
Bannerman,	Guyther,	Robards,
J. Barnes,	Hawkins,	Smith,
Biggs,	Hill,	Spruill,
Boyd,	Hyman,	Tomlinson,
Boyden,	Jacobs,	Wadsworth,
Brannock,	C. Jones,	L. Walker,
Cardwell,	R. Jones,	J. O'K. Williams,
Chambers,	Kerr,	Ziglar.
Dickson,	Killian,	
Eaton,	I. W. Lane,	

Ordered, That said bill be engrossed.

A message from the Senate, concurring in the proposition of this House to print ten copies of the act relating to the establishment of common schools, for each member of the General Assembly.

The bill to amend the Revised Statutes, concerning last wills and testaments;

The bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes;

The bill to extend the time of holding the next term of the Superior Court for Cumberland county;

And the Resolution in favor of J. N. Crosby, were each read the second time and passed.

Mr. Mendenhall presented a resolution in favor of the commissioners for superintending the building of the Capitol, and a resolution in favor of Lunsford Lane. These resolutions were read the first time and passed.

The bill to extend and enlarge the boundaries of the city of Raleigh, was read the second time, and, on motion of Mr. Boyden, indefinitely postponed.

The engrossed bill to incorporate the Fairfield Academy in the county of Orange, was read the second time and passed.

The engrossed bill to incorporate the Little River Man-

ufacturing Company, was read the second time. Mr. Cardwell moved that said bill be postponed indefinitely. The question thereon was decided in the negative—yeas 8, nays 74. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

E. Barnes,	Holland,	J. Walker,
Cardwell,	I. W. Lane,	Ziglar.
Fleming,	F. Taylor,	

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Morrow,
Allen,	Graves,	Munroe,
Baker,	Gray,	Murchison,
Bannerman,	Guthrie,	McClenehan,
J. Barnes,	Hawkins,	McLaughlin,
Beall,	Howerton,	McLaurin,
Boyd,	Huggins,	McMillan,
Boyden,	Hyman,	Patton,
Brannock,	Jefferson,	Patterson,
Brogden,	Joiner,	Pemberton,
Brower,	H. C. Jones,	Pope,
Brummell,	C. Jones,	Proctor,
Bryan,	R. Jones,	Ragan,
Burns,	Kerr,	Robards,
Chambers,	Killian,	Russell,
Clegg,	W. B. Lane,	Siler,
J. W. Covington,	Mangum,	Smith,
J. M. Covington,	Massey,	Spruill,
Dickson,	Mendenhall,	J. W. Taylor,
Doak,	E. P. Miller,	L. Walker,
Foreman,	J. T. Miller,	Whitehurst,
Franklin,	Mills,	J. O'K. Williams,
Gee,	Monday,	F. Williams,
D. A. Graham,	Moore,	Wilson.
J. Graham,	Morris,	

The question shall the said bill pass the second reading? was decided in the affirmative. On motion, the said bill was read the third time. Mr. Cardwell moved to amend the bill, by adding the following section:

Be it further enacted, That the individual property of the stockholders shall be bound in their individual capacity for the whole amount of the debts, contracts and liabilities of the company, in proportion to the amount of stock owned by each individual.

The question on the adoption of this amendment was decided in the negative—yeas 16, nays 73. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

J. Barnes,	Hawkins,	Ragan,
E. Barnes,	Holland,	Smith,
Boyd,	Killian,	F. Taylor,
Cardwell,	I. W. Lane,	Tomlinson,
Chambers,	Morrow,	Winston.
Guthrie,	Powell,	

Those who voted in the negative, were

Messrs.

Adams,	Grandy,	Murchison,
Allen,	Graves,	McCleese,
Baker,	Gray,	McClenehan,
Bannerman,	Hill,	McLaurin,
Barringer,	Howerton,	McMillan,
Beall,	Huggins,	Paine,
Boyden,	Hyman,	Patton,
Brannock,	Jacobs,	Patterson,
Brogden,	Joiner,	Pemberton,
Brewer,	Jefferson,	Poindexter,
Brummell,	H. C. Jones,	Pope,
Bryan,	C. Jones,	Proctor,
Burns,	Keener,	Robards,
J. M. Covington,	Kerr,	Russell,
J. W. Covington,	W. B. Lane,	Siler,
Dickson,	Maugum,	Smith,
Doak,	Massey,	J. W. Taylor,
Ennett,	Mendenhall,	Wadsworth,
Farrow,	E. P. Miller,	L. Walker,
Fleming,	J. T. Miller,	J. Walker,
Franklin,	Mills,	Whitehurst,
Gee,	Monday,	J. O'K. Williams,

D. A. Graham,	Moore,	F. Williams,
J. Graham,	Morris,	Wilson.
Clegg,	Munroe,	

The question, shall the said bill pass the third reading? was decided in the affirmative.

Ordered, That said bill be enrolled.

The bill supplemental to an act entitled an act concerning the draining of low lands;

The bill to incorporate the Franklin Library Society, in the town of Fayetteville;

And the resolution for the Public Treasurer, were each read the third time, passed, and ordered to be engrossed.

The Speaker laid before the House a communication from the Public Treasurer, suggesting a probable deficiency in the public revenue to meet the expenditures the current year.

Ordered, on motion of Mr. Robards, that the communication be transmitted to the Senate, with a proposition that it be referred to a Joint Select Committee of three members from each House.

The bill to amend the Revised Statutes concerning last wills and testaments;

The bill to revive an act passed in 1835, authorizing David T. Sawyer to lay off and construct a road, and for other purposes;

And the bill to extend the time of holding the next term of the Superior Court for Cumberland county;

And the resolution in favor of J. N. Crosby, were each read the third time, passed, and ordered to be engrossed.

On motion of Mr. H. C. Jones,

Resolved, That the Principal Clerks of the two Houses be authorized to employ such additional aid for the engrossing and enrollment of bills, as may be necessary.

Mr. Boyden presented the following Resolutions:

WHEREAS, it is manifest that nearly the entire circulating medium of the country must continue to be Bank paper; and whereas, it is also manifest that State Bank paper, created for local and limited circulation, can never answer the purpose of a general national circulating medium, so essential in the transaction of the business and commerce of the country, between remote places; and whereas, it has been repeatedly de-

cided, by the proper tribunals appointed under the Constitution to make the decision, that Congress possesses the power to create a National Bank:

Resolved therefore, as the opinion of this General Assembly, that the establishment of a National Bank is not only constitutional, but highly expedient and necessary, as well for administering the financial operations of the government of the United States, as for equalizing exchanges and affording other facilities to trade and commerce among the people, so important to their prosperity and happiness.

Resolved further, That our Senators and Representatives in Congress be requested to use their best exertions to procure the establishment of a National Bank.

Ordered, on motion of Mr. Reid, that said resolutions be laid on the table.

Mr. Cardwell offered the following resolution:

Resolved, That the Legislature of a State, acting as the representatives of the people of said State, have a right to instruct their Senators in Congress; and a just vindication of the character of our political institutions requires that such instructions should be given, whenever a Senator misrepresents the will of the State, upon great questions of national policy, or in times of public emergency.

Ordered, On motion of Mr. Robards, that said resolution be laid on the table.

The engrossed resolution to purchase a Library, was read the third time, amended and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

On motion, leave of absence from the service of the House from and after Monday next, was granted to Mr. Wilson.

The bill to incorporate the Beaver Creek Manufacturing Company, in the county of Cumberland, was read the third time and passed, and ordered to be engrossed.

A message from the Senate, concurring in the proposition of this House to refer the late communication from the Public Treasurer to a joint select committee of three on the part of each House—and informing that Messrs. Mitchell, Hawkins and Albright form their branch of the committee.

Ordered, That Messrs. Robards, McLaughlin and Patterson form said Committee on the part of the Commons.

Mr. J. O'K. Williams moved that the vote of this House, whereby was rejected the bill concerning the Raleigh and Gaston Rail Road Company, be re-considered.

Ordered, on motion of Mr. Barringer, that the motion of Mr. Williams be laid on the table.

The engrossed bill to amend the 102nd chapter of the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read the second time and passed.

The bill to incorporate the Fairfield Academy, in the county of Orange, was read the third time, passed, and ordered to be enrolled.

The engrossed resolution concerning Lumber River, was read the third time, and on motion of Mr. Morrow, laid on the table.

The resolution in favor of Lunsford Lane was read the second time and rejected.

On motion of Mr. Guyther, the House agreed to reconsider their vote by which was rejected the last named resolution.

The question then recurring on the passage of the resolution in favor of Lunsford Lane the second reading, was decided in the affirmative—yeas 62, nays 34. The yeas and nays demanded by Mr. Winston.

Those who voted in the affirmative, were

Messrs.

Allen,	Guthrie,	McLaurin,
Barringer,	Guyther,	McMillan,
Beall,	Hill,	Paine,
Boyden,	Huggins,	Patton,
Brannock,	Hyman,	Patterson,
Brower,	Jefferson,	Pemberton,
Bryan,	Joiner,	Pope,
Burns,	H. C. Jones,	Proctor,
J. P. Caldwell,	C. Jones,	Russell,
Clegg,	Keener,	Siler,
J. W. Covington,	Mangum,	Smith,
J. M. Covington,	Mendenhall,	Spruill,
Doak,	E. P. Miller,	J. W. Taylor,
Fleming,	J. T. Miller,	Thompson,
Franklin,	Mills,	Wadsworth,

Gee,	Moore,	Whitelmrst,
J. R. Gilliam,	Morris,	J. O'K. Williams,
D. A. Graham,	Murchison,	F. Williams,
J. Graham,	McCleese,	Winston,
Grandy,	McClenahan,	Wilson.
Gray,	McLaughlin,	

Those who voted in the negative, were

Messrs.

Adams,	Graves,	Powell,
Baker,	Hawkins,	Ragan,
Bannerman,	Holland,	Reid,
J. Barnes,	Howerton,	Robards,
E. Barnes,	Jacobs,	Stallings,
Biggs,	R. Jones,	F. Taylor,
Boyd,	Kerr,	Tomlinson,
Brogden,	I. W. Lane,	L. Walker,
Cardwell,	Massey,	J. Walker,
Chambers,	Monday,	Ziglar.
Dickson,	Morrow,	
Ennett,	Munroe,	

On motion, the said resolution was read the third time, passed, and ordered to be engrossed.

The engrossed bill to incorporate the Nantahala Turnpike Company, of the counties of Macon and Cherokee, was read the second time, and the question, shall the said bill pass the second reading, was determined in the affirmative—yeas 58, nays 37. The yeas and nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

Messrs.

Allen,	Howerton,	Pemberton,
Barringer,	Huggins,	Pope,
Beall,	Hyman,	Proctor,
Boyden,	Jacobs,	Robards,
Brannock,	Joiner,	Russell,
Brower,	Jefferson,	Siler,
Bryan,	H. C. Jones,	Smith,
Burns,	Keener,	Sprnill,
J. P. Caldwell,	Kerr,	J. W. Taylor,

Clegg,	W. B. Lane,	F. Taylor,
J. M. Covington,	J. T. Miller,	Thompson,
J. W. Covington,	Mills,	Wadsworth,
Doak,	Morris,	L. Walker,
Franklin,	McCleese,	Whitehurst,
Gee,	McClenehan,	J. O'K. Williams,
Grandy,	McLaurin,	F. Williams,
Graves,	McMillan,	Winston,
Gray,	Paine,	Wilson.
Hill,	Patton,	
Holland,	Patterson,	

Those who voted in the negative, were

Messrs.

Adams,	Farrow,	E. P. Miller,
Baker,	Fleming,	Monday,
Bannerman,	J. Graham,	Munroe,
J. Barnes,	Guthrie,	Morrow,
E. Barnes,	Guyther,	Murchison,
Biggs,	Hawkins,	Pcwell,
Boyd,	J. B. Jones,	Ragan,
Brogden,	R. Jones,	Reid,
Cardwell,	Killian,	Stallings,
Chambers,	I. W. Lane,	Tomlinson,
Dickson,	Mangum,	J. Walker,
Eaton,	Massey,	Ziglar.
Ennett,	Mendenhall,	

Mr. J. P Caldwell, from the Joint Select Committee to whom was referred the communication of his Excellency, Governor Morehead, in relation to the affairs and condition of the Raleigh and Gaston Rail Road Company, made a report accompanied by a resolution authorising the public Treasurer to borrow money.

Ordered, on motion of Mr. J. P. Caldwell, that the report and resolution be laid on the table.

The House then adjourned until Monday morning, at 8 o'clock.

MONDAY, JAN. 11, 1841.

The engrossed bill concerning Jurors in Burke county, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill concerning Jurors in Cherokee county, was read the second and third times, passed, and ordered to be enrolled.

Messrs. Holland, Carson, W. B. Lane, Beall and Pemberton, obtained leave of absence from the service of the House, from and after to-day.

Mr. Mendenhall called up for consideration, the engrossed resolution concerning Lumber river, when the said resolution was read the third time, and rejected—yeas 40, nays 42.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hill,	McMillan,
Beall,	H. C. Jones,	Paine,
Brancock,	Jefferson,	Pemberton,
Brower,	Keener,	Powell,
Brummell,	Kerr,	Proctor,
Bryan,	W. B. Lane,	Ragan,
Burns,	Mendenhall,	Robards,
J. P. Caldwell,	J. T. Miller,	Russell,
Clegg,	Munroe,	Siler,
J. M. Covington,	Murchison,	Whitehurst,
J. W. Covington,	McCleese,	J. O'K. Williams,
Doak,	McClenehan,	F. Williams,
D. A. Graham,	McLaurin,	Winston.
Guthrie,		

Those who voted in the negative, were

Messrs.

Adams,	Gee,	Mangum,
Allen,	J. Graham,	Massey,
Baker,	Gray,	Mills,
J. Barnes,	Guyther,	McLaughlin,
Biggs,	Herring,	Patton,
Boyden,	Howerton,	Patterson,
Brogden,	Huggins,	Poindexter,
Cardwell,	Hyman,	Rand,

Chambers,
Dickson,
Ennett,
Fleming,
Foreman,
Franklin,

Jacobs,
J. B. Jones,
C. Jones,
R. Jones,
Killian,
I. W. Lane,

Reid,
Stallings,
Tomlinson,
Wadsworth,
L. Walker,
J. Walker,

The engrossed bill supplemental to an act passed at the present session of the General Assembly, authorising the Governor to appoint an agent to collect the Cherokee bonds, was read the second and third times, passed, and ordered to be enrolled.

Ordered, That a message be sent to the Senate, proposing to enlarge the joint committee on enrolled bills.

Mr. Robards, from the joint select committee raised on the 9th inst., on the communication of the Public Treasurer, suggesting a probable deficiency of revenue to meet the appropriations and current expenses of the State, made a report accompanied by a resolution, authorising the public Treasurer, upon certain contingencies, to borrow money from the banks.

Ordered, on motion of Mr. Boyden, that the report and resolution lie on the table.

Mr. Baker offered the following resolution:

Resolved, That the report of the joint select committee on the communication of the public Treasurer relating to the finances be printed; and in case the printing of said report cannot be completed before the adjournment of this Legislature, that the printer be directed to forward, through the mail, one copy to each member of the Legislature. The said resolution was rejected.

On motion of Mr. McClenahan, leave was granted to Lunsford Lane to withdraw his petition and papers from the files of this House.

The engrossed resolution concerning the statue of Washington, was read the second time, amended on motion of Mr. C. Jones, and passed.

On motion, the said resolution was again read the third time, and the question shall the said resolution pass the third reading? was decided in the affirmative—yeas 40, nays 39. The yeas and nays demanded by Mr. F. Taylor.

Those who voted in the affirmative, were

Messrs.

Barringer,	Hill,	Poindexter,
Bryan,	Howerton,	Pope,
Burns,	J. B. Jones,	Proctor,
J. P. Caldwell,	C. Jones,	Robards,
J. W. Covington,	R. Jones,	Russell,
J. M. Covington,	Mills,	Siler,
Eaton,	Moore,	Smith,
Gee,	Murchison,	Spruill,
J. R. Gilliam,	McClenehan,	Stallings,
D. A. Graham,	McLaughlin,	Whitehurst,
Grandy,	Paine,	J. O'K. Williams,
Graves,	Patton,	F. Williams,
Gnyther,	Pemberton,	Winston.
Guthrie,		

Those who voted in the negative, were

Messrs.

Adams,	Franklin,	Monday,
Baker,	J. Graham,	Morris,
J. Barnes,	Huggins,	McLaurin
Boyd,	Hyman,	Patterson,
Brannock,	Jacobs,	Powell,
Brogden,	Joiner,	Ragan,
Brower,	Kerr,	Raud,
Cardwell,	Killian,	J. W. Taylor,
Clegg,	Mangum,	F. Taylor,
Doak,	Massey,	Tomlinson,
Ennett,	Mendenhall,	L. Walker,
Fleming,	E. P. Miller,	J. Walker,
Foreman,	J. T. Miller,	Ziglar.

A message from the Senate, concurring in the amendments by this House made to the engrossed bill to purchase a library.

Ordered, That said bill be enrolled.

The engrossed bill to amend the 102nd chapter of the Revised Statutes, entitled an act to provide for the collection and management of a revenue for this State, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that Messrs.

Spruill, Moore, Moye and Pasteur form their branch of the committee on enrolled bills for this week.

Ordered, That Messrs. Brower, Whitehurst, Smith, Rand, Monday, Jefferson, Tomlinson and Guyther form said committee on behalf of the Commons.

The engrossed bill to incorporate the town of Rutherfordton, was read the second and third times, passed, and ordered to be enrolled.

The bill to improve the State Road from Reddie's river to the Tennessee line, by way of Jefferson, in Ashe county, was read the second time, and, on motion of Mr. Adams, postponed indefinitely—yeas 41, nays 27. The yeas and nays demanded by Mr. Adams.

Those who voted in the affirmative, were

Messrs.

Adams,	Foreman,	Massey,
Allen,	Grandy,	J. T. Miller,
Baker,	Graves,	Munroe,
Bannerman,	Guyther,	Patterson,
J. Barnes,	Herring,	Powell,
Boyd,	Huggins,	Russell,
Bogden,	Hyman,	Stallings,
Cardwell,	Jacobs,	J. W. Taylor,
Chambers,	Joiner,	F. Taylor,
Clegg,	J. B. Jones,	Wadsworth,
Dickson,	C. Jones,	L. Walker,
Doak,	R. Jones,	J. O'K. Williams,
Eaton,	Kerr,	Ziglar.
Ennett,	Killain,	

Those who voted in the negative, were

Messrs.

Barringer,	D. A. Graham,	McLaurin,
Boyden,	Gray,	McMillan,
Brannock,	H. C. Jones,	Paine,
Brummell,	E. P. Miller,	Patton,
Bryan,	Mills,	Poindexter,
Burns,	Morris,	Proctor,
J. W. Covington,	Murchison,	Siler,
J. M. Covington,	McClenehan,	J. Walker,
Fleming,	McLaughlin,	Winston.
Franklin,		

The engrossed resolution in favor of William Stronach, and the engrossed bill to authorise the making of a Turnpike Road from Gatesville to Chowan River, and to incorporate a Company for that purpose, were each read the second and third times, passed, and ordered to be enrolled.

Mr. Winston presented the following Protest:

I protest against the passage of an act, entitled "an act in favor of Princess Ann and Kempsville Canal Companies," because the bill gives exclusive power to certain persons in this State to navigate the Currituck Sound—the said Sound communicating with the ocean.

A State cannot give exclusive power to any corporation or natural person to navigate any water which can be used for the purposes of Commerce with other States—it being contrary to the third clause of the eighth section of the first article of the Constitution of the United States, which provides that Congress shall have power, &c., to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes.

(Signed)

PATRICK H. WINSTON.

Received a message from the Senate, informing that they had passed the engrossed bill to repeal an act entitled an act to repeal in part the 13th section of the act passed in 1824, authorizing the making a Turnpike Road in Buncombe county, with amendments, and asking the concurrence of this House. The amendments were read and concurred in.

Mr. J. P. Caldwell, from the Joint Select Committee raised on the letter of his Excellency Governor Morehead, reported certain resolutions relating to the Raleigh and Gaston Rail Road Company.

Mr. J. R. Gilliam offered the following as an amendment to the said resolutions:

"That the Treasurer further provide the means to pay the amount for the assessment made to individuals for the condemned land over which the road runs."

The question on adopting this amendment was decided in the negative—yeas 22, nays 61. The yeas and nays demanded by Mr. Adams.

Those who voted in the affirmative, were

Messrs.

Clegg,	Mangum,	Robards,
Eaton,	Massey,	Russell,
J. R. Gilliam,	Moore,	Siler,
D. A. Graham,	Paine,	Smith,
J. Graham,	Patton,	Thompson,
Hill,	Pemberton,	Whitehurst,
C. Jones,	Rand,	Winston.
Howerton,		

Those who voted in the negative, were

Messrs.

Adams,	Franklin,	McCleese,
Allen,	Gee,	McClenehan,
Baker,	Grandy,	McLaughlin,
Bannerman,	Gray,	McLaurin,
J. Barnes,	Guyther,	Patterson,
Barringer,	Huggins,	Poindexter,
Brannock,	Hyman,	Pope,
Brogden,	Jacobs,	Powell,
Brower,	Joiner,	Ragan,
Brummell,	H. C. Jones,	Reid,
Burns,	J. B. Jones,	Stallings,
J. P. Caldwell,	R. Jones,	J. W. Taylor,
Cardwell,	Kerr,	F. Taylor,
Chambers,	Killian,	Tomlinson,
J. M. Covington,	I. W. Lane,	Wadsworth,
J. W. Covington,	Mendenhall,	J. Walker,
Doak,	J. T. Miller,	L. Walker,
Ennett,	Monday,	J. O'K. Williams,
Farrow,	Morris,	F. Williams,
Fleming,	Murchison,	Ziglar.
Foreman,		

Mr. Reid moved to strike out the last clause of the last resolution in the following words, viz:

"But should said sale not produce one fourth of the par value of each share of said stock, the Treasurer is hereby directed to purchase the same for the State."

The motion prevailed—yeas 57, nays 31. The yeas and nays demanded by Mr. Killian.

Those who voted in the affirmative, were

Messrs.

Adams,	Gray,	Patterson,
Allen,	Guyther,	Pope,
Baker,	Hill,	Powell,
Bannerman,	Holland,	Ragan,
J. Barnes,	Huggins,	Rand,
Barringer,	Hyman,	Reid,
Boyd,	Jacobs,	Russell,
Brogden,	Joiner,	Smith,
Brower,	J. B. Jones,	Stallings,
Bryan,	R. Jones,	J. W. Taylor,
Burns,	Kerr,	F. Taylor,
J. P. Caldwell,	Killian,	Thompson,
Cardwell,	I. W. Lane,	Tomlinson,
J. M. Covington,	Mangum,	Wadsworth,
J. W. Covington,	Massey,	J. Walker,
Eunett,	J. T. Miller,	L. Walker,
Farrow,	Munroe,	J. O'K. Williams,
J. Graham,	McCleese,	Winston,
Grandy,	McLaurin,	Ziglar.

Those who voted in negative, were

Messrs.

Boyden,	D. A. Graham,	McClenehan,
Brummell,	Guthrie,	McLaughlin,
Brannock,	Howerton,	Paine,
Chambers,	H. C. Jones,	Patton,
Clegg,	C. Jones,	Penberton,
Doak,	Mendenhall,	Poindexter,
Eaton,	Mills,	Siler,
Fleming,	Monday,	Whitehurst,
Foreman,	Moore,	F. Williams.
Franklin,	Morris,	
J. R. Gilliam,	Murchison,	

Ordered, on motion of Mr. J. B. Jones, that said resolutions lie on the table.

The engrossed bills to incorporate the Hembrie Turnpike Company, in the county of Cherokee;

The bill to incorporate the Union Institute Library Society;

The bill to prevent the transportation of slaves upon rail roads, steam boats or stage coaches, without written permission from their owners;

The bill to protect Churches;

The bill to incorporate the North Carolina Land and Mining Companies;

The bill to amend an act entitled an act to incorporate the North Carolina Central Rail Road;

The bill to incorporate the Trustees of the Union Institute Academy;

And the engrossed resolution to authorize the Governor to employ counsel to defend the titles of purchasers of Lands in Cherokee county, were each read the second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to regulate the time for holding the Courts in Rutherford and Cleaveland counties; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed resolution authorizing the Private Secretary of the Governor to employ a servant for the Governor's office; and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they do not concur in the amendment made by this House to the engrossed resolution concerning the statue of Washington.

Ordered, on motion, that this House do recede from their said amendment; and

Ordered, That said bill be enrolled.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The engrossed bill to incorporate the Nantahala Turnpike Company, was read the third time, amended on motion Messrs. Fleming and Siler and passed.

Ordered, That the concurrence of the Senate be asked in the amendments.

Mr. Boyden called up for consideration the resolution this day introduced by the joint select committee, authorising the public Treasurer to borrow money under certain contingencies, when on motion of Mr. Boyden, the said resolution was amended by striking out the whole thereof, after the word resolved, and inserting the substitute by him proposed.

Mr. Patterson moved that the House do now reconsider the vote of Saturday last, whereby the bill to enlarge the boundaries of the city of Raleigh, was indefinitely postponed. The House agreed to reconsider, when on motion of Mr. Pope, the said bill was again postponed indefinitely.

Received a message from the Senate, proposing that the joint resolution of the two Houses to adjourn this day be rescinded, and that the two Houses adjourn *sine die* on to-morrow the 12th inst.

The question on concurring in this proposition of the Senate, was decided in the affirmative—yeas 67, nays 25. The yeas and nays demanded by Mr. J. W. Taylor.

Those who voted in the affirmative, were

Messrs,

Allen,	Gray,	Paine,
Barringer,	Guyther,	Patton,
Boyden,	Hill,	Patterson,
Brannock,	Howerton,	Pemberton,
Brogden,	Huggins,	Poindexter,
Brower,	Hyman,	Pope,
Brummell,	Jacobs,	Proctor,
Bryan,	Jefferson,	Rand,
Burns,	Joiner,	Reid,
J. P. Caldwell,	C. Jones,	Robards,
Chambers,	Keener,	Siler,
Clegg,	Killian,	Stallings,
J. W. Covington,	Mangum,	F. Taylor,
J. M. Covington,	Massey,	Wadsworth,
Dickson,	Mendenhall,	L. Walker,
Doak,	Mills,	J. Walker,
Eaton,	Monday,	Whitehurst,
Franklin,	Munroe,	J. O'K. Williams,
J. R. Gilliam,	Murchison,	F. Williams,
D. A. Graham,	McCleese,	Winston,

J. Graham,	McClenehan,	Ziglar.
Grandy,	McLaurin,	
Graves,	McMillan,	

Those who voted in the negative, were

Messrs.

Adams,	Guthrie,	Ragan,
Baker,	J. B. Jones,	Russell,
Bannerman,	R. Jones,	Smith,
J. Barnes,	Kerr,	Spruill,
Boyd,	I. W. Lane,	J. W. Taylor,
Cardwell,	E. P. Miller,	Thompson,
Ennett,	J. T. Miller,	Tomlinson.
Fleming,	McLaughlin,	
Gee,	Powell,	

A message from the Senate, concurring in the amendments made by this House to the engrossed bill to incorporate the Nantahala Turnpike Company.

Ordered, That said bill be enrolled.

Received a message from the Senate, informing that they had passed the engrossed bill to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, and asking the concurrence of this House. The said bill was read the first time and passed. On motion, the said bill was again read the second time, and the question shall the said bill pass the second reading? was decided in the affirmative—yeas 53, nays 42. The yeas and nays demanded by Mr. Adams.

Those who voted in the affirmative, were

Messrs.

Barringer,	D. A. Graham,	McCleese,
Boyden,	J. Graham,	McClenehan,
Brannock,	Grandy,	McLaughlin,
Brower,	Gray,	McLaurin,
Brummell,	Guthrie,	McMillan,
Bryan,	Hill,	Paine,
Burns,	Howerton,	Patton,
J. P. Caldwell,	Jefferson,	Poindexter,
Chambers,	H. C. Jones,	Proctor,
Clegg,	C. Jones,	Rand,

J. W. Covington,	Keener,	Robards,
J. M. Covington,	Mangum,	Siler,
Doak,	Massey,	Thompson,
Eaton,	Mendenhall,	Whitehurst,
Farrow,	E. P. Miller,	J. O'K. Williams,
Fleming,	Mills,	F. Williams,
Franklin,	Morris,	Winston.
J. R. Gilliam,	Murchison,	

Those who voted in the negative, were

MESSRS.

Adams,	Herring,	Pope,
Allen,	Huggins,	Powell,
Baker,	Hyman,	Ragan,
Bannerman,	Jacobs,	Reid,
J. Barnes,	Joiner,	Russell,
Boyd,	J. B. Jones,	Smith,
Brogden,	R. Jones,	Stallings,
Cardwell,	Kerr,	J. W. Taylor,
Dickson,	Killian,	F. Taylor,
Ennett,	I. W. Lane,	Tomlinson,
Foreman,	J. T. Miller,	Wadsworth,
Gee,	Monday,	L. Walker,
Graves,	Munroe,	J. Walker,
Guyther,	Patterson,	Ziglar.

On motion, the said bill was again read the third time, passed, and ordered to be enrolled.

Mr. Fleming moved that the House do now re-consider their vote by which was rejected the resolution concerning the improvement of Lumber River. The question, will the House re-consider their vote? was decided in the negative—yeas 38, nays 44. The yeas and nays demanded by Mr. Cardwell.

Those who voted in the affirmative, were

Messrs.

Bannerman,	J. R. Gilliam,	McMillan,
Barringer,	D. A. Graham,	Paine,
Boyden,	J. Graham,	Powell,
Brannock,	Grandy,	Proctor,
Brower,	Guthrie,	Ragan,
Brummell,	Hill,	Robards,

Burns,	Jefferson,	Russell,
J. P. Caldwell,	Mendenhall,	Siler,
Clegg,	E. P. Miller,	Thompson,
J. W. Covington,	J. T. Miller,	J. O'K. Williams,
Eaton,	Murchison,	F. Williams,
Fleming,	McClenehan,	Winston.
Franklin,	McLaurin,	

Those who voted in the negative, were

Messrs.

Adams,	Howerton,	McCleese,
Allen,	Huggins,	McLaughlin,
Baker,	Hyman,	Patton,
J. Barnes,	Jacobs,	Patterson,
Boyd,	Joiner,	Poindexter,
Brogden,	J. B. Jones,	Smith,
Cardwell,	C. Jones,	Stallings,
Chambers,	R. Jones,	J. W. Taylor,
Dickson,	Keener,	F. Taylor,
Ennett,	Killian,	Tomlinson,
Foreman,	I. W. Lane,	Wadsworth,
Gee,	Mangum,	L. Walker,
Graves,	Massey,	J. Walker,
Gray,	Monday,	Ziglar.
Herring,	Morris,	

On motion, Mr. J. P. Caldwell obtained leave to withdraw from the files of the House the memorial of the Agricultural Association for the county of Iredell.

The House then adjourned until to-morrow morning at 7 o'clock.]

TUESDAY, JAN. 12, 1841.

Received a message from the Senate, informing that they had passed the engrossed bill for the benefit of the Raleigh and Gaston Rail Road Company; and asking the concurrence of this House. The said bill was read the first, second and third times, passed, and ordered to be enrolled.

